

**Governing Change and Adaptation at Pacific Rim National Park
Reserve (Canada) and Saadani National Park (Tanzania)**

by

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Bachelor of Environmental Engineering, Universidad de la Guajira, 2002

Master of Natural Resource Management, University of Manitoba, 2008

A Dissertation Submitted in Partial Fulfillment
of the Requirements for the Degree of

DOCTOR OF PHILOSOPHY

in the Department of Geography

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University of Victoria

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Supervisory Committee

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Abstract

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In what can be characterized as a period of rapid ecological change, the global community has now reached an agreement on the importance of protecting what remains of the world's biological diversity. In 2011, world governments pledged to extend protected areas (PAs) to 17% of the earth's surface. Although, accumulated research documents the role PAs areas play in coping with environmental change, much of conservation practice remains at odds with the actual purpose of conservation: to enable natural and human systems to adapt and sustain life. Challenges in PA planning and management, and their connections (or lack thereof) to wider socio-economic and institutional frameworks have made environmental governance a leading concern in the study of PAs.

This research examined the nature and dimensions of environmental governance affecting adaptive capacity and the sustainability of protected landscapes, particularly for PAs deemed to have been established and/or operating through 'participatory' governance. These issues are explored through comparative research based on case studies of two coastal PAs: Pacific Rim National Park Reserve in Canada, and Saadani National Park in Tanzania. Methods utilized included gathering qualitative and spatial data through interactions with decision-making bodies and representatives of agencies at the village/First Nations and park levels, interviews with state authorities at district and higher

levels and document research. The research findings on the two PAs and adjacent communities unravel the nature and dynamics of steering institutions, institutional interplay and spatial interconnectedness as they relate to cooperation, agency and adaptability within and around protected landscapes.

An examination of spatial and institutional arrangements within national frameworks, and an examination of governance and management practice at the level of individual parks reveal significant mismatches between policy discourses on multi-level cooperation and actual practice in state-based conservation. This research also reveals ways in which sustainability can be conceived and addressed through institutions and institutional interplay among park and community actors. The research analyzed ways in which encompassing frameworks shaped institutions, relationships and activities on the ground, and spatial interconnectedness and interdependence shaped the actions and agency of grassroots actors. The findings also demonstrate that there are critical differences between participation and the exercising of agency. While it is important to achieve a fair distribution of burdens and benefits across levels, it is shared jurisdiction and fair institutional interplay, rather than economic benefits, which can better enable all levels of social organizations to contribute to sustainability. In this regard, enhancing agency is essential to enabling adaptability and goes beyond addressing disruptive power relations; it also entails redefining perceptions of human nature and of spatial interconnectedness among communities and natural landscapes in the design of environmental institutions. It is through institutionally-driven processes, such as giving full political and financial support to states fixed on gaining spatial control of culturally diverse landscapes through restrictive conservation approaches, that conservation has become an instrument of oppression, and it is only through institutionally-driven means that acknowledge the importance and role of indigenous approaches to preserve ecological diversity that PAs can be made to serve their purpose: to preserve nature and cultural heritage for present and future generations.

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The research and my doctoral studies in general were made possible thanks to the financial help provide by the Social Sciences and Humanities Research Council of Canada and the International Development Research Centre through the Protected Areas and Poverty Reduction Doctoral Fellowship, by the International Development Research Centre through a Doctoral Research Fellowship Award, and by a number of grants and awards from the University of Victoria. Thanks also go to the Kesho Trust and The College of African Wildlife Management for being my institutional hosts in Tanzania.

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Preface

This dissertation is to the best of my knowledge an original intellectual product except where acknowledgements and references are made to other works. It is submitted for the degree of Doctor of Philosophy at the University of Victoria. The research was approved by the University of Victoria's Human Research Ethics Board through Certificate No. 12-075. The field research was conducted between February 2012 and February 2014 under the supervision of Drs. Rosaline Canessa and Leslie King, of the Geography Department, University of Victoria, and the School of Environment and Sustainability, Royal Roads University, respectively.

All chapters have been written in their entirety by the author. Findings chapters have been presented as conference papers as follows:

- Chapter 2. Congress of the Humanities and Social Sciences, 1st to 6th June, 2013, Victoria, BC, Canada.
- Chapter 3. Conference on Wildlife Management and Wildlife Tourism, 29th to 31st October, 2013, Arusha, Tanzania.
- Chapter 5. 2014 Norwich Conference on Earth Systems Governance: Access and Allocation in the Anthropocene, 30th June to July 3rd, 2014, Norwich, United Kingdom.

Other research outputs included in the Appendixes have also been presented at conferences as follows:

- Appendix 3. IUCN World Parks Congress, 12th to 19th November, 2014, Sidney, Australia. Poster co-authored with Dr. Leslie King.
- Appendix 3. The Africa Conference on Land Grabs, 27th to 30th of October 2014, Midrand, South Africa. Part of the paper *The 'landgrab' – the risks, the consequences, the way forward* presented by Fiona Darrock, Protimos organization.

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Appendix 3:

Minority Rights Group International letter to Commissioner Soyata Maiga, Chairperson (Working Group on Indigenous Populations/Communities in Africa African Commission on Human and Peoples' Rights)

Protimos. 2014. Fiona Darrock. The 'landgrab' – the risks, the consequences, Paper presented to The Africa Conference on Land Grabs, 27th to 30th of October 2014, Midrand, South Africa.

Abbreviations and Acronyms

BGI: Broken Group Islands

ESG: Earth Systems Governance

CBD: Convention on Biological Diversity

GEOBC.ca:

GIS: Geographic Information Systems

GPS: Geographic Positioning System

IDGEC: Institutional Dimensions of Global Environmental Change

ICCA: Indigenous Peoples' and Community Conserved Territories and Areas

IUCN: International Union for the Conservation of Nature

LBU: Long Beach Unit

MPAs: Marine Protected Areas

MRG: Minority Rights Group International

OHCHR-UNOG: Office of the High Commissioner for Human Rights-United Nations
Office at Geneva

PAs: Protected Areas

PRNPR: Pacific Rim National Park Reserve

SNP: Saadani National Park

SGR: Saadani Game Reserve

TBS: Tanzania Bureau of Statistics

TBS: Tanzania Bureau of Statistics

UNEP: United Nations Environment Program

WCT: West Coast Trail

WWF: World Wildlife Fund

Chapter 1: Introduction

1.1 Research Context

Current human-induced threats to worldwide ecological components, processes and services (Cole & Landres, 1996), as well as ongoing transformations of the world's ecological and social systems (declines in the diversity of wildlife, flora resources, but also cultural heritage) highlight the importance of developing capacity to adapt to change in the search for sustainability (Gunderson & Holling, 2002; Raskin et al., 2003).

Protected area (PAs) systems have seen an extraordinary increase since the formation of Yellowstone National Park in 1870, the world's first national park: and have become a major strategic component of many environmental governance regimes and a cornerstone in the pursuit of sustainability (Dearden, Bennett, & Johnston, 2005; McNeely & Miller, 1985). PAs have also been identified as important systems for building capacity to adapt to change (Dearden, 2009; McNamee, 2009). Just as significant as the increase in the number of PAs¹, are the changes in the reasons for their creation, which have evolved from an exclusive focus on conservation of nature to the creation of PAs as instruments for the preservation of cultural wealth and diversity and the promotion of economic development (IUCN, 2009; McNeely & Miller, 1985; Wilkinson & Hulme, 2012). The successes in the creation and multiplication of PAs have been attributed to the efforts of conservationists and natural scientists as well as the work of tycoons and political establishments (Bella, 1986; Dearden & Berg, 1993), but have been overshadowed by their mixed success (Stokstad, 2010) in achieving environmental goals.

Accumulated empirical findings suggests that in order to achieve conservation goals there is the need to look at PA governance (Brandon, Redford, & Sanderson, 1998; Dudley et al., 1999) more closely and the way social components of landscapes are being connected to natural components, as further asserted by accumulated research that highlights the need for more holistic and inclusive approaches in all aspects of PA

¹ PAs currently comprise 15% of the earth's surface (Juffe-Bignoli et al., 2014) and 0.7% of the oceans (Wood et al., 2008).

conception, management and decision-making (Brosius, 2004; Dudley et al., 1999; Hoole & Berkes, 2010; Pimbert & Pretty, 1995). Critical issues of environmental management, which are closely intertwined with and framed by governance processes, have been extensively explored (Hockings, Stolton, & Leverington, 2006), yet addressing them comprehensively entails analyzing the overall approaches to environmental governance. The importance that governance systems have for the pursuit of ecological sustainability is thus particularly relevant in protected area systems, where a multiplicity of actors, values and approaches strongly influence multi-level institutional interplay and pose particular challenges for conservation policy and PAs' legitimacy, acceptability and effectiveness.

Governance has thus become one of the leading concerns in the study of PAs (Borrini-Feyerabend, Kothari, & Oviedo, 2004; Dearden et al., 2005; Dudley et al., 1999; Graham, Amos, & Plumptre, 2003; Jentoft, van Son, & Bjørkan, 2007). Environmental governance generally, and in particular institutional structures and processes, plays a fundamental role in fostering adaptive capacity (Robinson & Berkes, 2011) as a catalyst in the emergence of conservation and management strategies and in shaping social and environmental outcomes (Young, King, & Schroeder, 2008). Researchers, policymakers and practitioners are directing increasing attention toward governance and particularly to key structures of governance regimes, such as institutions, as essential elements determining and making achievement possible of both conservation and development goals (Crowder et al., 2006; Young et al., 2008).

Developing adaptive capacity within social and environmental regimes, in turn, is closely connected to learning and knowledge production and transmission (Pahl-Wostl, 2009; Robinson & Berkes, 2011). How knowledge is generated, but also applied and transferred, has become a focus both for emerging interdisciplinary fields such as "sustainability science" (Clark & Dickson, 2003; Kates et al., 2000), for environmental policy (Cundill, 2010; Lebel, Grothmann, & Siebenhüner, 2010), and for resource and environmental governance (Young et al., 2008). In this regard, the role of steering institutions in the application of accumulated knowledge and the role of knowledge mobilization in the performance of institutions and environmental regimes remain

conceptually and methodologically under-investigated and in need of further research (Gehring & Oberthür, 2008; Komiyama & Takeuchi, 2006; Underdal, 2008).

The task of understanding and designing institutions and governance systems for protected areas (PA) systems that are capable of mobilizing and integrating diverse types of knowledge from diverse sources, enabling agency, and contributing to adaptive capacity is complicated by social and organizational dynamics that take place at all levels, including reaching agreement and cooperation (Adams et al., 2004; Cash et al., 2006), and by particularities of place and scale that characterize ecologically rich and culturally diverse protected areas. Aimed at addressing some of these knowledge gaps, this research focuses on the connection between environmental governance and sustainability. Through a case study approach, it investigates: a) governance architectures, particularly the nature of governance structures, components and mechanisms and their impacts in addressing complex problems of resource depletion, environmental degradation, poverty and exclusion; b) agency, and particularly how various actors and their knowledge are connected to institutional processes associated with PAs planning and management; and c) adaptation, and particularly how institutional processes themselves are revitalized by flows, across levels, of traditional and other knowledge, diverse types of resources, and shared decision-making powers and responsibilities and the way those processes promote or constrain adaptive capacity. Drawing on conceptual premises and analytical approaches within governance theory and geography, these issues are explored through the study of empirical evidence on protected area governance and management in Canada and Tanzania.

1.2 Research Goal and Questions

The primary research goal was to investigate critical processes and dimensions of environmental governance and their role in enabling or constraining adaptive capacity and sustainability of coastal protected areas. The specific research questions are:

1. What are the social-ecological and spatial characteristics of the protected landscapes in relation to the mandates and the governance frameworks which guide PAs?

2. How do overarching governance elements and park-level approaches to governance and management influence adaptiveness, legitimacy, the exercising of agency and cooperation among park and community actors?
3. How do environmental institutions and cross-level interplay enable or constrain the social and ecological sustainability of protected landscapes?

These questions aim to:

- Facilitate understanding on how to move from governance frameworks of an exclusionary and adversarial nature to governance regimes informed by the principle of interconnectedness and interdependence.
- Clarify to what extent cooperation and collective stewardship are affected by governance architectures that disregard spatial relationships, resource allocation and shared decision-making power.
- Identify the components and dimensions of protected area governance that are essential to tackle their social and ecological sustainability.
- Advance knowledge on how traditional widespread approaches to conservation, such as state-managed parks, can achieve conservation goals under current conditions of unprecedented social and environmental change.
- Determine what role different types of knowledge play in improving the compatibility between PA systems and social-ecological communities; and
- Understand how conservation institutions and interplay enable or constrain the exercising of agency, building capacity to adapt to ongoing social and environmental changes and to address critical issues of effectiveness and equitability across levels of social organization.

These are the central, interconnected subjects of this study. The analysis of park-community dynamics in each individual case and the connections among the two cases is accompanied by an exploration of the features of overarching regulatory and policy frameworks, which directly influence park-community dynamics and conservation outcomes.

1.3 Thematic Focus, Current Scholarship and the Research Questions

1.3.1 Protected Areas and the Preservation of Biological Diversity

After a century of its creation, the Yellowstone national park model better known as “fortress conservation” has become one of the main strategies for the preservation of nature. Protected areas (PAs) which amounted to less than seven thousand in 1991 have increase to 209,000 by 2014 (Juffe-Bignoli et al., 2014). Yet, in an alarming statement, the international conservation establishment acknowledged that the goals set by world governments in 2002 “to achieve (by 2010) a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on earth” has not been met (Secretariat of the Convention on Biological Diversity, 2010, p. 6). In response to this, 192 state parties to the convention on biological diversity (CBD) renewed their environmental commitments, in 2010, by agreeing to make further efforts to halt the rate of biodiversity loss worldwide (Juffe-Bignoli et al., 2014). By 2015, 15% of the earth’s land surface was designated as PAs (Juffe-Bignoli et al., 2014) based on the UNEP’s 2014 Protected Planet report.

While biodiversity loss is the product of a significant number of factors, including climate change, industrial and large scale agricultural development, as well as unsustainable use and overexploitation of resources, both the 2010 CBD report and the 2014 UNEP 2014 publication confirm that the preferred approach to halt the loss in biodiversity continues to be to establish PAs worldwide. Evidence of the flaws of exclusionary conservation and of its impact on communities closely connected to and often fully dependent on biodiverse landscapes has been accumulating over time. These include Chase’s (1987) thorough analysis of the negative impacts from top-down conservation policies and spatially disconnected conservation actors on Yellowstone’s wildlife, as well as critical reviews on the lack of fit and the harmful outcomes of applying the fortress conservation model in landscapes characterized by interdependent interactions between people and nature (Brockington, Duffy, & Igoe, 2008; Chapin, 2004; Dowie, 2011; P. West & Brechin, 1991; Paige West, Igoe, & Brockington, 2006). Significantly, although internationally adopted targets for the expansion of PAs account for all forms of management objectives (from strict exclusion to sustainable use) and

governance types (governance by government, indigenous peoples, and the private sector, among others) (IUCN, 2009), as of 2014 of all the PAs reported on in the World Database of Protected Areas, the vast majority conformed to the conventional model. UNEP's analysis of PAs worldwide showed that 88% were being managed by governments while only 1% managed by indigenous and local communities (Juffe-Bignoli et al., 2014), and of the 64% of PAs whose management objectives were stated at least 50% of those were under the most restrictive categories, and of these strict conservation PAs, 26.6% are classified as national parks (Juffe-Bignoli et al., 2014). Although statistics on the number of PAs under each IUCN category suggests that national parks are not more numerous than PAs under other categories, because of the significantly larger extents of territory they cover (Chape, Spalding, & Jenkins, 2008), spatially they are the dominant approach to conserve biodiversity.

State-controlled conservation developments spanning over a century have been subject to strong criticism for their persistent challenges to advance collective social and ecological goals (Aubertin & Rodary, 2011; Barrett, Brandon, Gibson, & Gjertsen, 2001; Benjaminsen & Bryceson, 2012; Brandon et al., 1998; Brockington et al., 2008; P. West & Brechin, 1991). As early as 1999, threats to PAs were considered to be widespread and to have caused damaged to at least half of those established at the time (Dudley et al., 1999); meanwhile, African wildlife populations within or connected to PAs have greatly decreased over time (Craigie et al., 2010; Packer et al., 2011). Revisited conceptualizations of PAs have depicted them as essential components of wider sustainable development frameworks (IUCN, UNEP, & WWF, 1980). Yet, accumulated research directly points to the need for critical reforms towards multi-level collaboration as much within (Chapin, 2004; Hulme & Murphree, 2001; P. West & Brechin, 1991) as beyond (Berkes, 2004; Hulme & Murphree, 2001; Ostrom, 1990; Western, Wright, & Strum, 1994) protected landscapes. Re-examinations of fortress conservation have enabled important shifts within the dominant paradigm and applied approaches, including: a) the recognition of the importance of indigenous knowledge to the practice of conservation and of biodiversity to local livelihoods (advanced through a focus on traditional ecological knowledge and emerging research on community-based

conservation) and; b) the broader understanding that conservation objectives need to transition from a focus on species towards ecosystem-level dynamics.

Although these shifts have been institutionalized through the multiple conservation management objectives and governance types included in the PA targets of the Convention on Biological Diversity, strict conservation managed by governments continue to dominate protected landscapes. So the questions must be asked, has this trend reduced extinction rates, or led to healthier ecosystems? Has it enabled governments to offer better support or services to communities spatially connected to protected landscapes, or to the indigenous communities who inhabit biologically rich territories? Not only is this not the case (Brockington, Igoe, & Schmidt-Soltau, 2006; Juffe-Bignoli et al., 2014; Packer et al., 2011; Stokstad, 2010; WWF, 2014b), but what is more problematic is that there is a renewed focus on favouring state and private control over biodiverse landscapes (Benjaminsen, Goldman, Minwary, & Maganga, 2013; Venter et al., 2014; Wilshusen, Brechin, Fortwangler, & West, 2002). As the literature reviews included in the findings chapters of this dissertation elaborate on, the threat posed by this trend—to lend extensive financial and political support to national and international conservation actors over culturally and biodiversity rich landscapes—has not only had significantly negative repercussions on wildlife and collective well-being (Benjaminsen & Bryceson, 2012; Brockington et al., 2008; Brockington & Igoe, 2006; Brockington, 1999; Packer et al., 2011), but has also been of little value to improve social and ecological conditions worldwide (Stokstad, 2010; WWF, 2014b).

Despite accumulating scholarship, in the natural and social sciences, that points to the need for more holistic approaches to protecting biodiversity (Mora & Sale, 2011; O’Riordan & Stoll-Kleemann, 2002) and that demonstrates that “our ability to know the scale of what we are doing, and what fundamentally needs to be done to move us towards a sustainable outcome, has never been so well analysed” (O’Riordan, 2002, p. 4), current approaches remain focused on supporting state-controlled PAs shown to be of limited success in biodiversity conservation. This thesis draws on empirical findings on two geopolitically and institutionally different national parks, to comprehend and articulate subtle, and often ignored, social and institutional practices that shape how conservation

interventions take place and the impacts they have on the social and ecological sustainability of protected landscapes.

1.3.2 Central Concepts

The conceptual framework employed in this research draws on central concepts, underlying premises and analytical dimensions emerging from and/or connected to governance theory. These include: steering institutions; encompassing regulations, policies and organizational structures; the relationships among them (institutions, architectures and interplay); their impacts (agency and legitimacy that affect the exertion of authority and environmental outcomes); and the nature and degree of variability of approaches, both institutional and operational in response to social, economic and environmental change (adaptiveness, innovation, and collective action). Below, these concepts and governance variables are defined and contextualized in relation to current scholarship on governance and geographical enquiry. The section ends by highlighting the relevance of the research questions for addressing current knowledge gaps and scholarship in environmental governance (presented in Table 1-1).

Governance systems are crafted based on institutional frameworks to structure actions and assign roles and powers to specific actors with a stake in specific resources and/or a geographic area (Kooiman, 2003). The role *institutions* play in shaping governance approaches is widely accepted (Adger, 2003; O’Riordan & Jordan, 1999; Paavola, 2007; Young & Levy, 1999). No system can function without institutional structures; yet, institutions are still inadequately understood. Conceptual premises guiding the theoretical and subsequent empirical analyses include understanding institutions for governance as sets of binding rules, rights and normative procedures that frame collective decisions and actions, determine actors and steer their interactions (Young, 1999). *Adaptive capacity*, in turn, is more comprehensively defined as a system’s ability to deal with stresses and take advantage of them to improve performance, according to climate change and social-ecological systems literature. Taking into account the definitions above, the *adaptive capacity of an environmental institution* is defined as “the strength of a set of binding rules, rights and normative procedures to deal with

stresses and to take advantage of them in order to improve performance”. Adaptive capacity within the realm of environmental governance stresses the importance of collective and multi-level decision making and entails the existence of open and inclusive institutional processes reliant on learning and knowledge co-production and exchange. Further, *governance* is distinct from *management*. Whereas *management* is considered as the set of activities or strategies to address ecological problems or to achieve ecological goals, *governance* refers more broadly to the level of social organization that allows management strategies to be designed and implemented. As Robinson puts it, “management deals with content of decisions - or the what - and governance refers to the how, who and why of decision-making” (Robinson & Berkes, 2011, p. 3). *Agency* is defined as the degree of authority in a group, organization or individual (agents) to participate in and influence institutional arrangements and the outcomes of governance processes (Biermann, 2008). In turn, authority is more broadly understood as being conferred both through institutional entitlements (such as those exercised by government agencies) and, more informally, through the recognition of developed capacity to influence or determine governance outcomes (such as that enjoyed by international conservation organizations). Lastly, *sustainability* is defined here as a function of the relational strength between sound collective engagement and the endurance of ecosystems components, services and processes.

1.3.3 Analytical Dimensions

Institutions for Governance

Institutions are identified as essential for dealing with current environmental problems, but also playing a role as underlying forces that can affect the type, magnitude and scale of these problems (IDGEC research). Underdal (2008) expands on such treatment of institutions as “causal clusters”, which he differentiates from “causal chains”. In causal chains, institutional structures affect and may determine the outcomes of environmental regimes, but “don’t account for the nature and causal impact of underlying forces” (Young et al., 2008, p. 9) as it is the case in causal clusters. Underdale (2008) mentions culture, belief systems, norms and a sense of belonging as key

components or mechanisms, which along with institutions comprise the socio-cultural environments that influence and affect institutional performance and satisfy the demands for governance. He further suggests that effective governance happens when institutions are connected to and in harmony with their socio-cultural environment.

It is now common to acknowledge causality in governance as multifaceted and complexly affected by cultural and social traits, but also institutional structures and linkages across-levels, which to various extents affect the scale and strength of relationships among actors and between human and ecological realms (Biermann, 2008; Leach, Mearns, & Scoones, 1999). Both intrinsic and extrinsic drivers influence institutions which in turn shape societal responses to environmental challenges (Biermann, 2008; Young et al., 2008). Causality analysis is particularly useful to the understanding of how institutions directly and indirectly account for current and/or ongoing challenges in dealing with environmental change. In Young's view, causality does not take place in a simple, logical way only through easily identifiable variables. Instead, the causes of detrimental environmental outcomes are multiple, interlinked, and synergistic; and therefore, complex to identify (Gehring & Oberthür, 2008).

Yet research also points to other than institutions as central drivers of change in the status and performance of life-supporting systems (A Agrawal, 2008), which can be biological, physical, social or more complex geopolitical drivers. Thus, in assessing some aspects of institutional design and the causal effects of institutions, it is also relevant to look at other elements and processes of lower and higher level architectures that influence both the kinds of systems put in place and the nature of social and environmental outcomes. While the analytical dimension consistently explored in this thesis entails how institutions cause specific social and environmental outcomes, the identification of specific characteristics of current problems and the kinds of institutions put in place to confront them also contributes to analyzing various aspects of institutional fit and design.

Institutional Interplay

Interplay is an important analytical dimension of systems for environmental governance. Analyses of institutional interplay and cross-level dynamics in environmental regimes suggest that systems characterized by multi-level interactions are shaped by: underlying formal and informal institutions influencing actors' behaviour and goals (Young, 2002), the degree of collectively generated and applied knowledge (Cash et al., 2006), and prevalent discourses, the power of actors and other socio-political dynamics (Young, 2006). This multiplicity of characteristics and forces connected to institutional interplay are central to the present research. Young (2006) further asserts that the linkages or types of arrangements emerging from these multi-level interactions determine the degree of impact a system can have in terms of environmental sustainability, socio-cultural and economic well-being and regimes' strength (Young, 2006).

Governance Architectures & Agency

Governance architectures and the dynamics which they create are another critical area of enquiry. Particularly relevant to this thesis is how environmental institutions and a system's performance is affected by overarching frameworks (Cash et al., 2006), and the extent to which multi-level cooperation is influenced by specific institutions or enabled through cross-level institutional interplay. In this regard, to determine how agency, or the ability of legitimate actors to determine environmental governance outcomes, is shaped by environmental institutions and enabled through specific decision-making frameworks becomes very important, particularly for state-managed protected area systems where there are legitimate players at the grassroots and higher levels. One of the critical issues explored in this research is the extent to which the exercising of agency across levels and the adaptiveness of both institutional frameworks and organizational approaches help to address social and ecological sustainability in state-managed conservation. Despite the various intellectual debates on the relevance of the state under governance realms increasingly dominated by non-state actors (Raustiala, 1997), the cases under scrutiny point to the importance of further exploring the significance of both the agency of the

state to respond to emerging environmental demands, and the legitimacy of the power exercised by global conservation actors in the upscaling of global conservation decisions and the crafting of global conservation agendas. In both national parks studied in this research, the exercising of agency by both grassroots and higher level state actors associated with the parks is critical to addressing ecological sustainability and gaining necessary social legitimacy. Additionally, what constitutes agency, the conditions under which agency can be enabled, the different approaches to agency manifested by culturally interlinked actors, and how agency at one level impacts the exercising of agency at other levels, are also explored through this research.

Adaptive Capacity and Institutional Adaptive Capacity

Adaptive capacity, often connected to or equated with resilience (Folke, 2006), is a concept under increasing attention both in the natural and social sciences. Actors at multiple levels are becoming more acutely aware of complex issues of sustainability, both of natural systems and of the social systems to which they are connected. Research on climate change and its impacts on both humans and nature illustrates how current and future human settlements, habitats and species around the globe will face shortages in water, energy, food and other supplies due to climatic stresses, especially related to temperature variability and decreased/changing precipitations and water availability (McCarthy, 2001). These stresses, combined with extreme coping strategies will, in turn, exacerbate erosion, pollution, reduction of river flows, disease outbreaks, habitat degradation and desertification, among other problems (Ehrhart & Twena, 2006; WWF & Case, 2006). These crises are highly complex and particularly evident in coastal and marine environments, where population pressures, land-based contamination, water pollution, overfishing and associated consequences from habitat destruction add to the problems emerging from land-based climate change. Thus, developing the capacity not only to adapt to change, but to promote and benefit from change is both a social-ecological and institutional imperative. What are the characteristics of adaptability within institutional frameworks? The analysis undertaken in this thesis involves the examination of some of these dimensions of institutional adaptive capacity as well as the impact they generate in terms of institutional fit, interplay, agency collective decision-making and

multi-level cooperation in conservation. Last but not least, this research explores how adaptability, in approaches to environmental governance, serves to address overarching concerns of fairness (Brockington, 2004; Paavola, 2004) and its repercussions on the sustainability of state-managed conservation.

A Geographical Approach

The subject matter of geography is concerned with the components of and relationship between nature and society over time and space (Castree, Demeritt, Liverman, & Rhoads, 2009) and facilitates the advancement of knowledge through the application of theoretical and methodological perspectives as diverse as those presented by the physical sciences, the humanities and the social sciences (Stoddart, 1987). At the core of geography is the essentiality of the time-space dimension to the understanding of societal and natural processes (Massey, 1999). Geographical research, critical geographers in particular, have made significant contributions to the analysis of complex social-ecological processes. Both theoretical and applied research have sought to challenge or re-conceptualize various social and development models on how societies function (Palm & Brazel, 1992). In order to do this, geographers have applied multiple scientific approaches and taken advantage of various critical views to dismantle and analyse human agency, organizational structures and the larger complex institutional and organizational frameworks that constitute society (Johnston, 1986). The inherently complex political, social, spatial, cultural and physical landscape where societies are situated and evolve are central in geography (Hubbard & Kitchin, 2010). Thus, identifying the way space influences and is influenced by social and institutional relations, and the links between spatial reorganization and the experiences of place, power relations and collective welfare, for which a geographical approach is most suitable (Del Casino, 2009), are most relevant to this research.

Table 1-1. Areas of enquiry of the empirical research and current knowledge gaps highlighted in the literature

Theoretical areas	Research Questions	Analytical subjects	Expected analytical outcomes	Current/persistent knowledge needs
Governance architectures; institutional design; social-ecological systems; conservation frameworks	What are the social-ecological and spatial characteristics of the protected landscapes in relation to the mandates and the governance frameworks which guide PAs?	Social, spatial and ecological characteristics of protected landscapes that impact on conservation practice and are impacted by conservation institutions; institutional structures and other governance elements that influence the type and nature of conservation approaches in place	Descriptions of the social-ecological landscapes in which PAs have been established; identification of the conservation approaches in place and relevant aspects and elements of governance and institutional design that affect PAs.	Impact of gov. architectures on environmental efforts and multi-level cooperation (F Biermann, 2008); cross-scale coordination to address environmental conservation (Brandon et al., 1998; Christie & White, 2007; Duffy, 2006); centrality of governance to PA success (Barrett et al., 2001; Brandon et al., 1998; Dudley et al., 1999)
Multi-level environmental governance; institutional fit and causality; adaptive capacity; agency	How do overarching governance elements and park-level approaches to governance and management influence adaptiveness, legitimacy, the exercising of agency and cooperation among park and community actors?	Impacts of conservation policies and institutions and national governance frameworks on adaptive capacity, grassroots agency, legitimacy and multi-level cooperation in conservation	Fit between challenges and institutions/environmental approaches; effects of institutions on agency and cross-level cooperation in park planning and management; nature and role of actors and institutions in multi-level adaptive capacity	Role of institutions in driving human actions (Underdal, 2008) and impact on human-nature interactions (F Biermann, 2008; Leach et al., 1999); institutional adaptive capacity (Gupta et al., 2010); institutional fit and causality (Young et al., 2008; Young, 2002b); interdependence between social and biophysical conditions and institutions (Cicin-Sain, Knecht, Jang, & Fisk, 1998; Cicin-Sain, 1993; Crowder et al., 2006)
Conservation efficiency and effectiveness; institutional design and interplay; geographies of environmental governance	How do environmental institutions and cross-level interplay enable or hinder the social and ecological sustainability of protected landscapes?	Impacts of environmental governance and interplay on the status-quo of social and ecological communities; spatial reorganization triggered by conservation approaches and attendant conservation outcomes in terms social and ecological sustainability	Spatial reorganization instigated by conservation approaches; impacts of interplay on the status of adjacent communities; relationship between adaptability and sustainability in environmental conservation; social and ecological sustainability of national parks	Adaptive capacity in managing social-ecological systems (Gunderson & Holling, 2002; Raskin et al., 2003); institutional design and interplay (Young et al., 2008; Young, 2002b); links between spatial structuration and institutional marginalization (Bakker & Bridge, 2006; Watts, 2004); linkages between spatial interdependence and environmental sustainability

1.4 Introduction to the Case Studies

The comparative research is based on case studies of two protected areas (PA)—Pacific Rim National Park Reserve (PRNPR) on Vancouver Island, Canada, and Saadani National Park (SNP) in Tanzania. Each case study is comprised of the PA, the larger governance regime within which it operates, and one or more rural communities nearby that are directly affected by and/or dependent on the land and resources conserved by the PA. This section focuses on some of the national institutional and organizational structures addressing land and resource conservation and on the social and ecological characteristics of each one of the cases and the regions within which they are located. Appendix 1 includes a broader examination of the countries' encompassing governance frameworks determining land tenure and resource management entitlements and, to a large extent, the fate of grassroots communities.

1.4.1 Canada

National Parks Governance & Management

Over a century old, Canada's state-managed conservation dates back to 1885 with the establishment of Banff National Park. Enjoying a tenure framework particularly favourable to the state, Canada's approaches in establishing national parks have been, until recently, primarily unilateral and characterized by economic motivations rather than ecological conservation (Bella, 1986). In 1911, the Dominion Parks Branch, now Parks Canada Agency, would become the first park service worldwide (Agency, 2013). Although, the *Parks Canada Act* was passed by parliament in 1930, it was not until the emergence of new policy reforms in 1970s that ecological values were prioritized over resource extraction within the country's protected landscapes (Dearden & Berg, 1993). Presently, Canada has 844,088 km² (8.56%) of territorial land and 35,859km² (1.35%) of territorial waters protected (WDPA, 2012) and national parks comprise about 3% of Canada's total land area. As of 2014, Parks Canada has 45 national parks under its care, eight of which fall under the category "Park Reserves" due to unsettled Aboriginal land claims involving park lands. Pacific Rim National Park Reserve, established in 1970, has

a terrestrial area of 511 km² and is comprised of ecologically important terrestrial, littoral and marine environments harboring highly diverse fauna and flora populations.

Parks Canada's policies on cooperative management of national parks are very recent and considered a direct outcome of court decisions and the enactment of the constitution, both of which directly strengthened Aboriginal rights and title (McNeil, 2004). In fact, despite the lack of a clear mandate within the Act that created the agency, to engage various levels of social organization in cooperative park planning and management, cooperation approaches have been incrementally applied in the last three decades in park planning and management (Brown-John, 2006). Moreover, Parks Canada operational policies include addressing Aboriginal Interests (Parks Canada, 2009). The policy, as provided on the agency's official webpage, states that: "...Parks Canada works within Canada's legal and policy framework regarding Aboriginal peoples' rights, as recognized and affirmed by Section 35 of the Constitution Act, 1982 (Parks Canada, 2009). Accordingly, Parks Canada will consult with affected Aboriginal communities at the time of new park establishment and historic site acquisition, or as part of an Aboriginal land claim settlement". Therefore, in the Canadian context government to government consultation is a duty of the Crown in all that pertains to land and resource use and conservation. Moreover, Aboriginal rights to make use of resources are to be guaranteed within protected territories, unless conservation requirements demand limitations to such rights, under which circumstances the crown is required to compensate for the infringement to nations affected by resource use restrictions (Parks Canada, 2009).

Through strategic partnerships, Parks Canada has developed multi-level collaboration with nations struggling with land claims over ecologically rich traditional territories, which often fall under the category of "provincial crown lands" and become a target for province-controlled timber forest licenses (TFLs) (See Map 4 for an illustration of TFLs adjacent to PRNPR). These partnerships are particularly important to environmental sustainability, because provincial TFLs concessions to industry are more often viewed as environmentally detrimental. These critical steps in collaborative management have led to the establishment of significant agreements, such as the one

signed with the Haida Nation, despite unsolved differences on jurisdiction and title over protected territories (Brown-John, 2006).

Vancouver Island's West Coast

Having the highest annual rainfall in Canada, Vancouver Island is comprised of dense temperate rainforests and unique coastal, riverine and marine ecosystems that are home to commercially important but also ecologically diverse aquatic and terrestrial species. Vancouver Island's West Coast is home to the Nuu-cha-nulth First Nations, which is comprised of 15 First Nation groups (Vancouver Island, 2014), nine of which are spatially connected to PRNPR. The island's west coast is also home to Clayoquot Sound, an area designated as a UNESCO Biosphere Reserve in 2000 (Trust, 2011), and the unique areas comprising Pacific Rim National Park Reserve (PRNPR). Equally significant to Vancouver Island's present and future sustainability are the ongoing demands on potential non-renewable resources extraction (gas and oil), mining, and the current rates and extent of industrial logging (See Map 1-1). These economic activities significantly threaten the island's cultural and ecological diversity, the integrity of its ecosystems and their ability to sustain human and natural life.

The west coast of Vancouver Island is a place of historically rich interactions among strong competing interests from industry, government and First Nations. These interactions have led to numerous struggles addressing environmental and land use and management concerns, and also to the establishment of institutional frameworks built upon ground-breaking principles of inclusion of legitimate stakeholders (see (Dobell & Bunton, 2001) for a history of the Clayoquot Sound). Map 1-1 shows critical spatial overlaps on land and resource interests on Vancouver Island.

Pacific Rim National Park Reserve (PRNPR)

Established in 1970, The Pacific Rim National Park Reserve (PRNPR) became the first national park on the West Coast of Canada. Its status as a 'park reserve' has its roots in ongoing or unsettled First Nations land claims and treaty negotiations and allows Parks Canada Agency to continue implementing federal national parks conservation

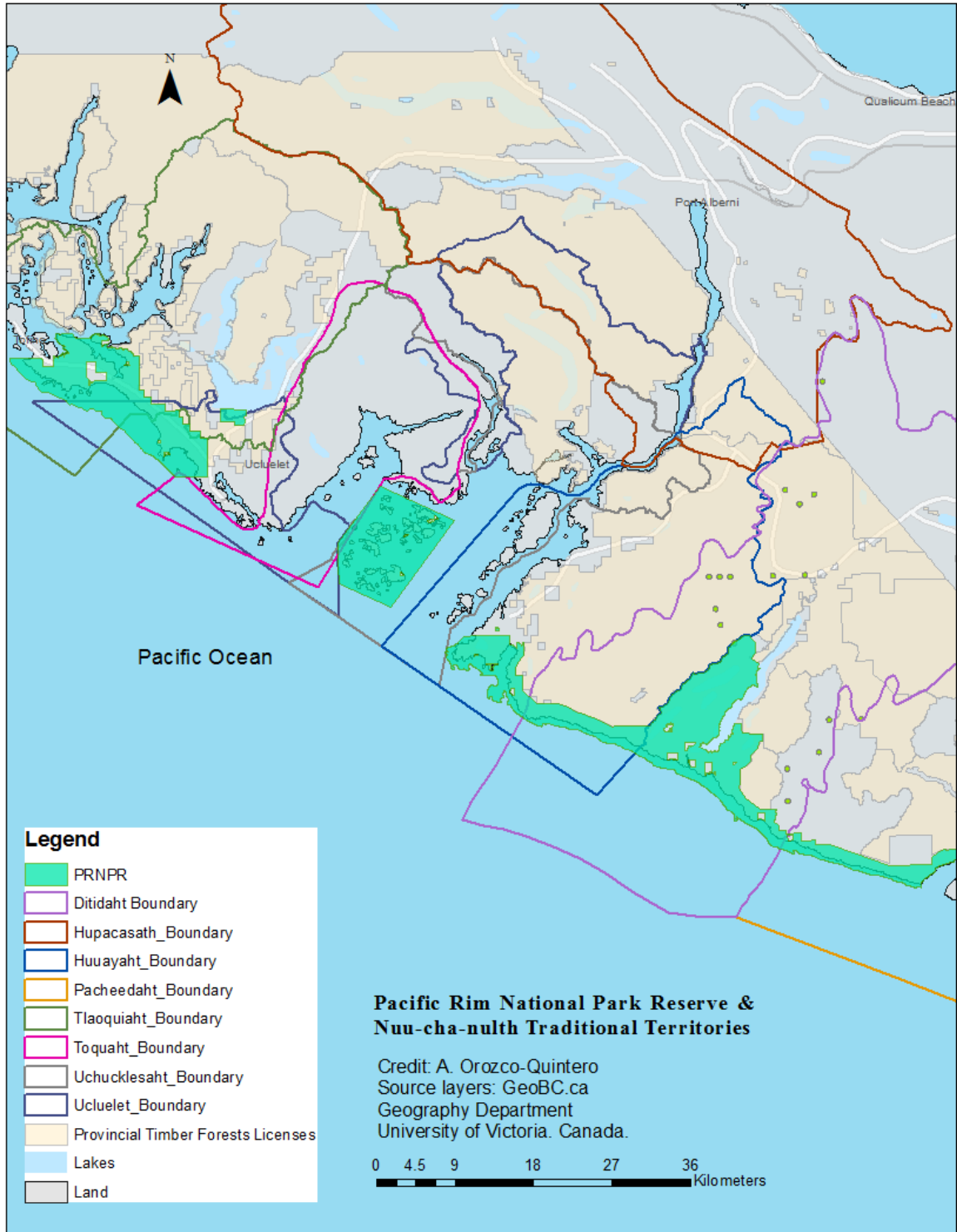
processes established by law, while permitting First Nations claims on park lands to also be made (Parks Canada, 2013). The Park is composed of three separate geographic units (See Map 1-2 and Table 1-2 for details). The West Coast Trail (WCT) on the southern part of West Vancouver Island is connected to the Nuu-cha-nulth traditional territories of the Huu-ay-aht, Ditidaht, and Pacheedaht Nations; the Broken Group Islands (BGI) to the Tseshaht and Hupacasath and Uchucklesaht First Nations and the Long Beach Unit to The Toquaht, Tla-o-qui-aht and Ucluelet First Nations (Crookes & Haugen, 2010).

Table 1-2. Nuu-cha-nulth First Nations geographic and organizational connections to PRNPR (sources: Interviews, GeoBC Website and Parks Canada)

Park's Geographic Units	First Nations	Traditional Territory	Treaty Process	Cooperative Management Status
WEST COAST TRAIL (WCT) - With reserves or Treaty Settlement Lands (TSLs) that are uninhabited-	Huu-ay-aht	Part of park lands surrounded by traditional territory. 3 TSLs surrounded by Park and 12 TSLs outside the park	Maa-nulth Treaty	Fully operating CMB in Place since 2008
	Ditidaht	Park lands surrounded by traditional territory, including 12 Indian reserves within park lands	Stage 4	One-off programs and economic partnerships
	Pacheedaht	Park lands surrounded by traditional territory	Stage 4	One-off programs and economic partnerships
BROKEN GROUP ISLANDS (BGI) -With uninhabited Indian reserves-	Tseshaht	BGI Birthplace and traditional territory of the nation	Unknown	Final agreement to start CMB operations signed
	Uchucklesaht	Treaty rights within the park but no actual section of land. (harvesting, cultural practice rights)	Maa-nulth Treaty	One-off programs and economic partnerships
	Hupacasath	One Indian reserve within park lands	Not negotiating treaty	One-off programs and economic partnerships
LONG BEACH UNIT (LBU) - With one inhabited reserve and TSLs-	Toquaht	They have treaty rights within the park but no actual section of land. (harvesting rights)	Maa-nulth Treaty	One-off programs and economic partnerships
	Tla-o-qui-aht	Part of park lands surrounded by traditional territory. Only Nation with an inhabited Indian Reserve within parklands.	In advanced agreement In Principle	Economic partnerships and negotiating terms of reference
	Yuu-thlu-ilth-aht (Ucluelet)	Part of parklands surrounded by traditional territory.	Maa-nulth Treaty	One-off programs and economic partnerships



Map 1-1. Various overlapping land and resource interests which cover every inch of Vancouver Island. (Source layers: GeoBC, CCEA.org, gov.bc.ca)



Map 1-2. Pacific Rim Park units and the Nuu-cha-nulth territories within which they are located. (Source layers: GeoBC, CCEA.org, gov.bc.ca)

1.4.2 Tanzania

National Parks Governance & Management

The significance of conservation to Tanzania is highly apparent in legislative and socio-economic realms, and conservation has been systematically pushed forward through state reforms taking advantage of the country's land tenure system. It has been recognized as a leading conservation-minded country with a long history in state-managed conservation dating back to before independence in the 1950s when the first national park, Serengeti, was established. Presently, Tanzania has 304,836.55 km² or 32.18% of its land area and 6,705.46 km² or 18.21% of marine or littoral area under conservation (WDPA, 2012), which contribute significantly to the country's economy. In Tanzania, no less 20% of the country's protected territory is under the national park category (the most restricted form of conservation where no human settlements are allowed). The majority of the country's PAs are managed or partially controlled by statutory agencies. Saadani National Park, established in 2005, is the newest national park, and is significant because of its ecological and socio-cultural features and its unique geographic location along the Indian Ocean.

Mandated to preserve the country's natural and cultural wealth, Tanzania National Parks Authority's (TANAPA) role in conservation has evolved to acknowledging and addressing social needs within and around protected landscapes, despite the lack of a regulatory framework for making institutional engagement mandatory. In this regard, accumulated research on the infringement of human rights in conservation (Igoe, 2007; F. Nelson, Nshala, & Rodgers, 2007) suggests TANAPA's outreach policy direction might have emerged in response to ongoing crises in state-managed conservation. TANAPA's early experimental efforts in community outreach, dating back to 1988, have evolved to its country-wide outreach policy and strategic action framework: Community Conservation Services (CCS) (Tanzania National Parks, 2005). CCS became an official organizational structure within TANAPA in 1992 and is currently a full-fledged department with permanent employees operating in every national park.

Overall, TANAPA's community outreach strategies do not include any actions suggesting any degree of multi-level engagement in park planning and management, despite its policy mandate to protect the country's natural and cultural heritage (Tanzania National Parks, 2005). Visibly, CCS by no means undermines TANAPA's full territorial and governance control of lands comprising national parks.

Saadani Landscape

The Saadani landscape is described as unique, with its diversity and composition of flora and fauna embedded in interconnected mixtures of coastal grassy and forested savannahs, marine, riverine and wetland ecosystems. For a long time, it has been considered of critical importance for conservation (Baldus, Roettcher, & Broska, 2001; Treydte, Edwards, & Suter, 2005). Saadani is also culturally diverse with populations descending from an heterogeneous mix of Waswahili, Wazigua and Wadoe tribal peoples, who intermarried with Indian and Middle Eastern traders moving along the Indian Ocean for the last 2000 years (Baldus et al., 2001). The villages of Saadani (living portraits of African-Arabic cultural fusions) have diverse connections to the landscape and in particular to the park lands, which range from historic cultural practice and community settlements (sub-village settlements, traditional and cultural practice, sacred territories) to present-day socio-economic activities comprising marine and terrestrial trade, pastoralism, fishing and other subsistence livelihoods.

Saadani National Park (SNP)

Saadani National Park (SNP), was the first Tanzanian National Park comprised of coastal and marine areas. The process of creating SNP is said to have been initiated in the late 1990s. The full geographic extent of the current SNP was officially introduced in September 2005, making it the most recently established NP in Tanzania. The park is located within the Districts of Pangani and Handeni (Tanga) and Bagamoyo (Pwani). The park is surrounded by 17 villages, each officially recognized and with functioning governing structures, including the 13 villages where this research took place: Saadani, Buyuni, Mkwaja, Mikocheni, Mkange, Kwakibuyu, Gendagenda, Mbulizaga, Mkalamo, Kwansisi, Mkange, Gongo and Matipwili. (Maps 1-3 and 1-4 show SNP park and the 13

adjacent villages involved in the research). Adjacent villages have diverse connections to the park lands, ranging from historic cultural connections and community settlements (sub-village lands, traditional and cultural practice, including sacred areas) to socio-economic activities comprising marine and terrestrial trade, pastoralism, fishing and other livelihood activities.

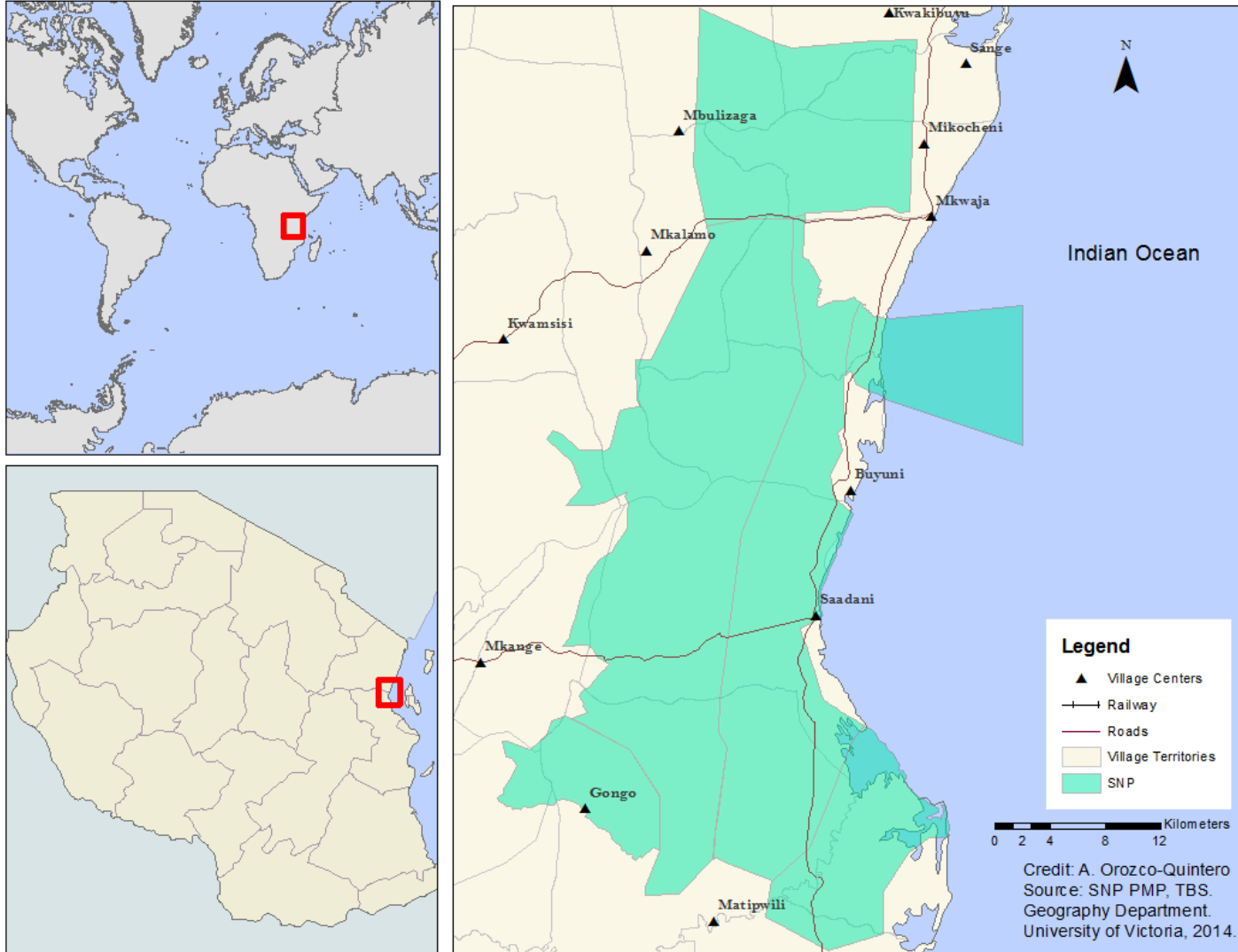
Early landscape level wildlife management strategies in Saadani included the Saadani Game Reserve (200 km²), officially established in 1969 after extensive consultations with adjacent villages (resulting in the first Saadani Management Plan), and the former Mkwaja Ranch, which comprised approximately the northern half of Saadani National Park (SNP). The Ranch was a cattle raising business established in 1954 by the Swiss company Amboni Ltd. (Treydte et al., 2005), which was considered an economic investment initiative whereby villages set aside land for economic development and labour opportunities, in consultation with district and higher level authorities. Interview data suggests that what is now known as “Mkwaja North”, became part of Mkwaja Ranch due to increasing numbers of cattle and was operated until 2000. Mkwaja South was formally closed in the late 1980s and, together with Mkwaja North, SGR and other areas, approved to become part of Saadani National Park in 2001 (Bagamoyo District, 2001). Park establishment documents and Saadani’s first Management Plan suggests that Mkwaja South was bought by the Wildlife Division in 1996 with support from international organizations and together with other lands added later, it would become part of SNP (Bagamoyo District, 2001, 2002). Map 6 describes the park areas in relation to former landscape level planning and resource use interventions.

Table 1-3. Some social, institutional and economic characteristics of adjacent villages involved in the research. (Sources: interviews, village documents and district profiles)

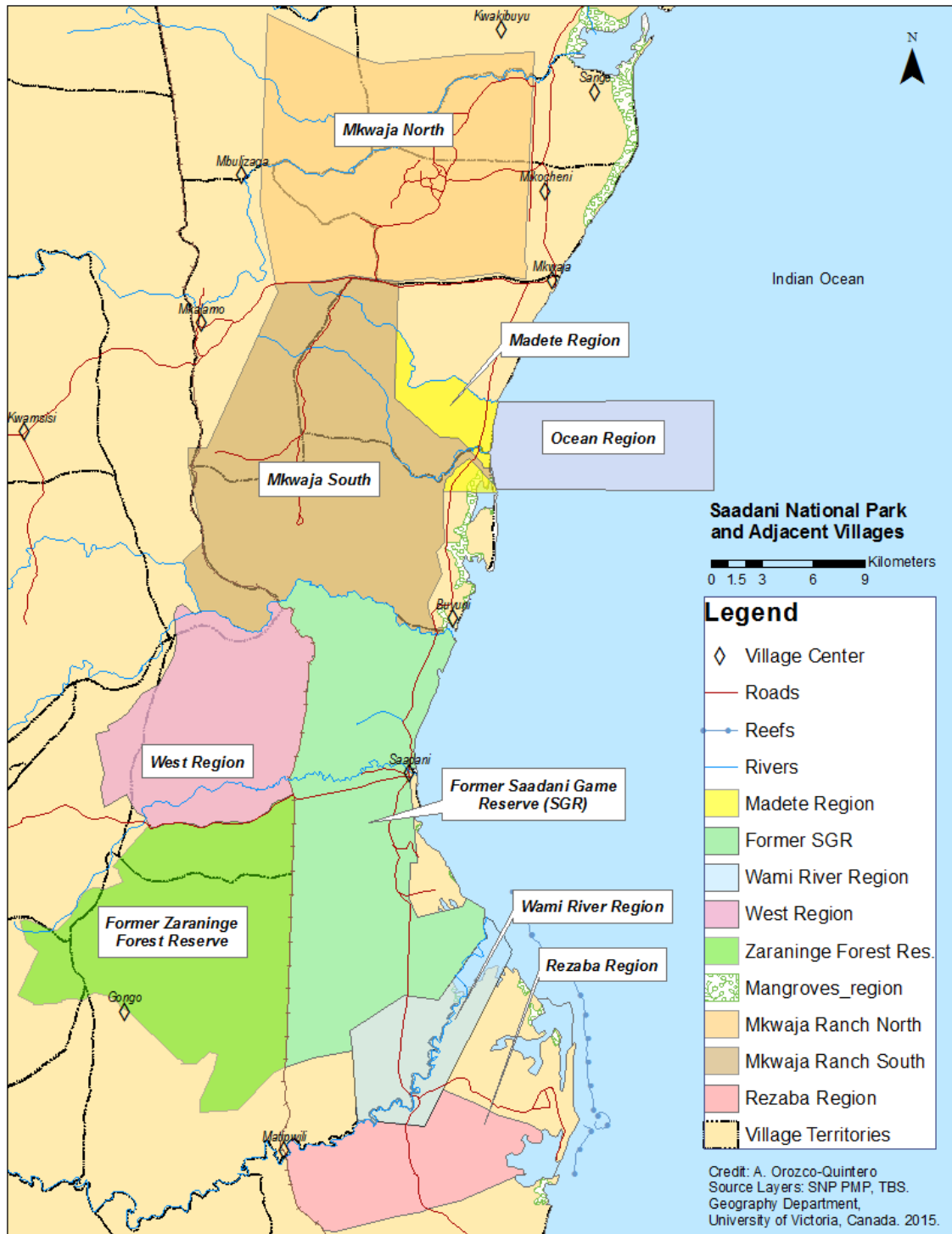
Village-District	Social, Institutional & Economic Characteristics
Saadani-Bagamoyo.	<ul style="list-style-type: none"> - Total population: 1832. - No LUP in place and no knowledge of total extent of village land. - High unemployment. Main economic activity salt-mining, fishing and occasional/part time employment in lodging/tourism. - Home to park quarters and to some investors. - Coastal erosion, decline in fisheries and environmental pollution constantly within and around Saadani village.

Matipwili-Bagamoyo.	<ul style="list-style-type: none"> - Total village area: 248km² (including the total extent of the now independent Gongo Village). - Village by-laws, management plan in place. Clear and active village leadership and institutional activity. - Population: 4000. Main economic activity is agriculture. - Facing unemployment and other development issues. - River bank erosion a threat to the village.
Gongo-Bagamoyo.	<ul style="list-style-type: none"> - Part of Matipwili until 2009. Village land still to be surveyed. - Village by-laws and park management plan in place. - Total population: 1700. Main activity: agriculture. - Active governing bodies and fast pace of development since 2009.
Mkange-Bagamoyo.	<ul style="list-style-type: none"> - In-land village with a total area of 119km². - Village LUP by-laws and management plan in place. - Total population: 4478. Economic activity: 86% agriculture and 14% business & public workers. Facing youth unemployment and other development issues. - Improved housing, education, water and other facilities present in the village center. Active governing bodies.
Buyuni-Pangani.	<ul style="list-style-type: none"> - Coastal village with a total area of 30km². - Total Population: 200. Economic activity: fishing. - Active governing bodies. Village partially funding dev. facilities and teacher's salary - Coastal community facing coastal erosion problems.
Mkwaja-Pangani.	<ul style="list-style-type: none"> - Coastal village located North of the Madete area of the park. - Total area: 52.6 km². - SNP headquarters is located adjacent to Mkwaja. - Economic activity: 90% fishermen. - Village LUP, LUM, by-laws and management plan in place. - Dispensary, education and other basic facilities in place. - Active institutional processes and various committees. - Investors present in the village.
Mikocheni Pangani.	<ul style="list-style-type: none"> - Coastal village located north of Mkwaja. Bordering with Sange to the North. - Population of 1055. High unemployment. - Economic activity: 35% fishermen; 85% agriculture. - Village management plan and by-laws in place. - Development challenges include limited access to freshwater, crop damages and poor crop yields.
Sange-Pangani.	<ul style="list-style-type: none"> - Coastal village located north of Mikocheni. Total population: 2000. Economic activity: fisheries (60%) and farming. - Village management plan, by-laws, LUP in place. - Facing environmentally relevant economic and resource management issues.
Kwakibuyu-Pangani. 3 Sub-Villages: Sakura, Mkoko, Kwakibuyu.	<ul style="list-style-type: none"> - Kwakibuyu shares the largest border with the park to the north. - Total village area: 124 km² with about a quarter of the territory under community-based conservation. - Total population: 6667. Economic activity: 35% workforce at Amboni Plantations, 75% agriculture, 5% fishermen. - Village Map, by-laws, village man. Plan in place. - Active institutional bodies.
Gendagenda-Handeni 10 Sub-villages	<ul style="list-style-type: none"> - Villager located on the north-west corner of the park. - Total village area: 220km², with large area for community-based conservation. - Total population: 879. Workforce: 230. Main economic activity: agriculture. - Village management plan, by-laws, and LUP in place. - Village institutionally active, self-financing percentage of community processes/facilities.

Mbulizaga-Pangani.	<ul style="list-style-type: none"> - Mbulizaga is located between Mkalamo and Gendagenda on the north-west side of the park. - Village area: 75.6 km². Total population: 879. Economic activity: agriculture 100%. - Community-based forest reserve in place. - Active decision-making bodies. Village management plan, by-laws and land use planning in development.
Mkalamo-Pangani.	<ul style="list-style-type: none"> - Mkalamo former village lands include portions of Mkwaja North and South. Extent of village territory being disputed with agencies at various levels. - Total population 4,181. Workforce: 1980. Activity: 100% agriculture. - Active government with public finances. Village by-laws, management plan and general village map in place, but no land use map.
Kwamsisi-Handeni.	<ul style="list-style-type: none"> - In Handeni District, bordering Mkalamo to the north-east and the park to the south-east. - Total population: 5964. Economic activity: agriculture. - community-managed forest reserves in place. - Total village area under assessment. - Village management plan, by-laws and land use planning under development. Village fairly large and developed.



Map 1-3. Saadani National Park and adjacent villages involved in the research.



Map 1-4. Former interventions and land use zones now comprising Saadani National Park (Source layer: SNP Park Management Plans, Pangani District Archives).

1.5 Approach to the Research

1.5.1 Methodology

One important concern guiding the identification and selection of an appropriate research approach was ensuring the ability to explore both spatial and qualitative dynamics inherent to protected area governance, as informed by the research objectives and by theoretical and empirical insights accumulated within the field. A second, yet no less important consideration, related to the central goal of adapting the research topic to the knowledge needs of local communities while also successfully contributing to scholarship on environmental governance. This demanded detachment from developing a very rigid research agenda and maintaining flexibility to integrate various perspectives and types of data.

Such concerns originally led to the identification of participatory action research as an approach appropriate to meaningfully engage research participants; however, the deductive nature of the research questions and various constraints on participants' interests and the time frame for carrying out fieldwork activities led to the application of a case study methodology. The research made use of the general concepts guiding qualitative research, where issues are explored more thoroughly than broadly (McCracken, 1988, p. 17), and eventually included some components of participatory rural appraisal (PRA), where a more meaningful involvement of participants could lead to two-way learning (Chambers, 1994) and the identification of relevant research outputs. In addition, the research approach drew on important principles of "grounded visualization" (Knigge & Cope, 2006) to support the representation of spatial and social dynamics and the combination of different types of data through GIS and qualitative methods (Heasley, 2003; Jiang, 2003; Knigge & Cope, 2006; Matthews, Detwiler, & Burton, 2005; R. P. Miller, 1995).

Overall, the case study and grounded visualization approach complemented the efforts to make the research useful to participants and enabled the integration and representation of various types of social and spatial dynamics in ways that were visually useful and relevant to participants. The combined approach also enabled the collection of

spatially and socially diverse types of stakeholder-relevant data and facilitated two-way reflections on the implication of research findings. However, it would be an overstatement to claim that the research enabled two-way interactions and reciprocal benefits at both case study sites. The original research plan included:

1. Before the design of the research proposal, to carry out pre-research visits to both case study sites to identify prospective participants' central concerns connected to geography and/or environmental governance that could be addressed by the research;

2. Once having received the necessary research clearances and having introduced the research to participants, to carry out the collection of data. This stage would also involve a regular dialogue with participating institutional bodies to adjust the direction of the research in order to better support grassroots knowledge needs;

3. Towards the end of the data collection period, to provide preliminary analyses of findings to participating individual and institutions in order to corroborate or rectify findings and address critical gaps; and

4. Once all data has been gathered and analysed, to share findings through various visually and qualitatively descriptive outputs and local gatherings that could be of benefit towards or feed into local decision-making processes or institutional strategies.

In practice, although at both sites it was possible to carry out pre-research interactions with prospective participants, the identification of the research topics and their relevance to them was the outcome of inductive reasoning from field observation and respondents' broad contributions rather than direct suggestions. Enabling regular dialogue with relevant institutional bodies and crafting useful research outputs was constrained by the time in the field, which led to different interactions and outcomes at each research site. Nonetheless, this multi-country field research was able to bring perspectives from multiple levels and actors together, to involve various cross-referencing and other methods to validate the collected data, to permit the identification of key components and processes within the governance systems and their relevance to respondents, and to enable identification of the central insights presented in the following chapters.

1.5.2 Methods

The main methods used in the research included in-depth semi-structured key informant and group interviews, focus groups, engagement of village research committees, field observation, spatial data collection using GPS, as well as document and GIS analyses. The field research was comprised of two main stages: first, it involved the gathering of data from primary institutional sources, including government agency representatives, village/nation level bodies and leaders; extensive document research; and gathering of primary and secondary spatial data. The second stage, carried out only in Tanzania, involved conducting individual and group interviews with members of agencies within the three districts (Pangani, Handeni and Bagamoyo) and two regions (Tanga and Pwani) connected to the park, as well as district level officers addressing coastal environmental and fisheries management and some national level government authorities on marine conservation, integrated coastal management and natural resource management and conservation. This second stage also involved interviews with two other village-level institutional bodies from Tanga and Mtwara regions renowned for their experiences in multi-level collaboration to address coastal resource use and conservation.

On the whole, the most frequently used or primary method employed was semi-structured interviews (See Appendix 2 for samples of interview guides) and for almost all interviews permission to audio-record was granted. In Tanzania, research assistance was provided by a native speaker well-versed on community protocols, to conduct interviews and apply the other research methods. The Tanzanian interviews were transcribed in Swahili and translated to English with the help of a second assistant also from Tanzania. There was no need for an assistant in Canada, where all respondents were native speakers of English, but some key interviews from Canada were transcribed by a professional transcriptionist and then reviewed by myself to ensure accuracy of interview contents.

Qualitative Data

Interview guides were designed to elicit a descriptive analysis of the nature of institutional and organizational interactions, legislative frameworks guiding such interactions, and perceived and measured progress in collaborative management of the

PAs. The guides were also designed to identify connections between adopted or applied environmental approaches and overarching indigenous goals, overall grassroots and cross-level mechanisms for knowledge exchange, capacity building and finding agreement, and the set of underlying principles guiding institutional design and interplay both at park and community levels.

To address these topics various representation methods were used, including: printed maps representing traditional territories/village lands and protected lands, and digital maps embedded in a GPS device (for the Tanzanian case). These representation methods, employed during semi-structured interviews, made use of socio-economic statistics, institutional and organizational structures and approaches and other secondary data on park and community processes. These methods were intended to assess the background, understand connections, identify the kind and nature of spatial issues, and ascertain the nature of institutional interactions between the PRNPR and First Nations and between Saadani National Park (SNP) and adjacent villages. Table 1-4 below describes the Nvivo coding used for data analysis and the analysis applied to the spatial data using ArcGIS 10.

Spatial Data

The primary spatial data, collected in the Tanzanian case, included GPS points and transects on village/park boundary conflicts and overlaps, areas of interest, etc. Prior and parallel to the gathering of primary data, documents were identified (both published and unpublished) linked to PA planning and management and the villages' social and environmental processes, structures and approaches. The document research also involved the gathering of published and/or official spatial data, including: village land use and other maps, the park's area and boundaries, a former game reserve map, land-use and resources classifications, and spatial connections and boundary conflicts between the park and surrounding villages. As such, the findings presented in this thesis come primarily from empirical research, but they are also supplemented by secondary sources.

Table 1-4. Nvivo coding themes and spatial analysis processes undertaken using ArcGIS.

NVIVO :Data sources include all primary and secondary sources listed above.		
Themes & Keywords		Purpose/Analysis
Social, economic & environmental characteristics		Background: social, economic, institutional and environmental status & structures of the park and adjacent villages
Institutional and organizational functioning of Villages and First Nations		Village level institutional capacity and decision-making dynamics
Organizational and development structures		Developed organizational capacity and basic development status
Nature and degree of support to and engagement in park establishment processes		Engagement in and understanding of park planning and management processes
Funding, admin, accountability and transparency		Support for institutional and organizational development
Nature, significance and prevalence of park-community challenges and applied solutions		Nature of challenges and approaches adopted to address them
Engagement in park planning and management		Nature and frequency of park-community collaboration
Park-community institutional interactions, knowledge-information exchange		Institutional interplay, information sharing, regularity and nature of relationships
Park staff/wardens activities in village territories and park benefits at community levels		Impacts of park funding for development; nature and impact of spatial-institutional interactions
Multi-level institutional interplay among communities, park and regional level authorities		Types of interactions among various levels of social organization and impacts on communities' assets and institutional performance
ArcGIS & Excel: Sources include village land use maps and park establishment documents, official park gazette, park maps –digital-, primary spatial data (GPS points and transects)		
Foci	Objective	Analysis involved
Spatial arrangements around Saadani National Park	Location and size of population centers around SNP; land use and conservation planning around SNP	Georeferencing of village land use maps using natural features and satellite imagery; creation of polygon and line feature classes of adjacent villages conservation planning, territories and other areas/points of interests/concern
Park-village boundaries and other spatial challenges	Spatial characteristics of the park; identification of boundary conflicts; representation of boundaries mismatches;	XY points table and layer of gazetted park coordinates; overlay of park boundary vectors with village territories, and with other feature classes and transects of interest collected through GPS, park management documents, etc.

1.5.3 Research Implementation Process

Canada

The research implementation period for Canada was for four months, from March to July 2012. The amount of time spent in the Canadian case study was positively influenced by having the ability to conduct research in English and in an environment I have been becoming acquainted with since 2004. Other main factor affecting the amount of time spend in the field in Canada included having had the opportunity to gather critical

insights on the first PRNPR and HUU-ay-aht First Nations collaborative management partnership, in a short amount of time. The availability of funding for field research was also relevant in determining the amount of time spent in Canada. This timeframe did not prevent, but certainly limited, the dialogue with key bodies, the gathering of various participants' input on useful research outputs, and dissemination of results through community venues or local events. Other essential activities of the field research, such as data validation and accuracy, were addressed through personal and email interactions that involved in some cases the sharing of transcriptions back to participants. A small, yet critically important, set of participants from Canada made it possible to accommodate the fieldwork schedule to the time of individual respondents. As a whole, the research involved numerous visits to the park headquarters and First Nations territories. Through those interactions, the First Nations leaders' availability of time and degree of interest allowed the gathering of data, mainly through in-depth semi-structured interviews with elected and traditional leaders and other member of governing bodies from four of the nine nations. It also involved the gathering of secondary spatial and statistical data on asserted First Nations territories, treaty-driven spatial arrangements, land use and other geophysical data from various official, online and academic sources.

The overall flow of the research in Canada was quite straight forward. First, it involved having consultations with prospective participants, scheduling field visits for interviews and carrying out the interviews. Later, it involved processing data and sharing findings through a Power Point presentation, a conference presentation, and the sharing of a conference paper with some of the key institutions involved.

Tanzania

In Tanzania, on the other hand, the main data collection period was 18 months, from September 2012 to February 2014. Availability of funds, but also, and more importantly, a less familiar socio-political and institutional Tanzanian context, Swahili as the main language to carry out the research, and having gained the trust of villages who asked for further analysis of spatial dynamics in the Saadani landscape were important factors determining the amount of time spent in the field. Moreover, meaningful

engagement of participants have led to other kinds of research interactions with village leaders and decision-making bodies which are still ongoing (at the time the dissertation was complete) and various types of research outputs are being developed based on their specific needs. At Saadani, all central components of the original research plan have been quite comprehensively carried out with participants connected to the case study, including meetings with the villages' institutional bodies to share preliminary results and identify useful research outputs. For the Tanzanian case study the research involved numerous visits to 13 of the 17 villages surrounding the park, based on their degree of accessibility and available transport. Field activities included: carrying out consultations with prospective participants; planning fieldwork activities; assessing and applying methods; gathering data; refining methods; gathering more data; and conducting analysis and presenting results to the participating villages. In this regard, it was in Tanzania that the duration and intensity of fieldwork activities enabled applying a grounded visualization approach more thoroughly. This included: field walks with village leaders to describe and elaborate on park-village boundaries using GPS; leaders' and elders' search and discovery of original game reserve boundary beacons; and numerous fluid qualitative interactions where various maps and other spatial data and statistics enabled in-depth discussions of community-relevant spatial and institutional issues. Moreover, the scope and nature of activities to mobilize research findings in Tanzania has been far more rich and complex than initially planned. A schedule of the field research periods and activities, at both sites, is presented in Table 1-5. The schedule is broadly divided into three phases: pre-research visits, the primary research period, which included validation and follow-up on data gaps, and the final knowledge mobilization phase where results were shared through various activities.

1.5.4 Research Respondents

Because of the research theme and kinds of research questions, identifying prospective participants was relatively straight forward. In Canada, it was considered essential to involve: First Nations leaders and representatives engaged in regular institutional interactions with Parks Canada Agency; First Nations members knowledgeable about Aboriginal rights and title, treaty negotiations, and the nations

institutional, land and resource management approaches; park staff and managers in charge of facilitating/engaging in interactions with nations; multi-level collaborative bodies addressing park planning and management; and other agencies’ representatives and stakeholders engaged in resource management with the nations and the park.

Table 1-5. Schedule of field research activities.

Research Phase	Case Study and Period	Activities
Reconnaissance Visits	CA - May 2011	Consultation with PRNPR agency and Tla-o-qui-aht First Nation to shape research proposal Document research
	TZ - July 2011	Consultations with three village leaders and with TANAPA representatives to shape research proposal. Document research
Primary Field Research	CA – March to July 2012	Semi-structured interviews Numerous field visits to: introduce the research, arrange interviews & gather data Document research Secondary spatial data gathering – online sources
	TZ – Aug 2012 to February 2014	Semi-structured interviews, Focus groups, group interviews, field observations Document research Primary spatial data gathering – GPS points and transects Multiple field visits to: introduce the research, gather data, make follow-ups and validate results
Knowledge Mobilization	CA – June 2013 to March 2016	Presentation of research results to First Nations, general community and organizations in the Tofino area, a conference presentation, and meetings with one First Nation and park agency respondents to share findings in 2013. Sharing of a journal paper with key respondents in 2016.
	TZ – Aug 2013 to end of 2016	Focus group discussions and meetings with village bodies to present preliminary analysis, gather more data on institutional bodies’ perspectives & validate findings Field walks with village representatives to describe park boundaries and provide information on the villages spatially relevant issues Sharing of results through research briefs, maps, a poster and printed reports Higher level advocacy to address HR issues connected to the establishment of the park: HR orgs and legal teams currently using research findings to achieve reinstatement of villagers’ rights.

In Canada, there were a total of 17 semi-structured interviews with 15 participants. The participants represented: park program managers and personnel (First Nation Program Managers, and other staff); members of four First Nations governance structures (among which were chiefs, councillors, community liaisons and elders within institutions connected to Parks Canada); and members of one of the Collaborative Management Boards. These participants comprise the main source of primary data contained in this thesis. Interviews were conducted with respondents from four nations, three of which are treaty Nations, all ratified in 2011, and one is presently engaged in treaty negotiations. During treaty negotiations, First Nations and the federal and provincial governments aim to define the degree of collective rights and title over asserted traditional First Nations territories. Table 1-6 summarizes the type and total numbers of instances where instruments were employed, their function for the research and affiliation of respondents.

In Tanzania, important respondents identified and involved included: the members of official village-level decision-making bodies and officially appointed village committees for environmental management and development; park wardens in charge of financial-administrative issues, ecological management, land and resource protection and community engagement, but also staff knowledgeable on the park's planning and management approaches. In addition, and because of the relatively recent designation of Saadani as a national park, former park wardens engaged in the establishment of the park were also interviewed. Other important respondents at the village and ward level included village elected representatives, Ward councillor and members of ward level institutions. At the district and regional levels, important respondents included village-district liaisons, district level fisheries and environmental officers, staff at district level planning and management officers, and managers in charge of government programs for the conservation and sustainable management of coastal lands and resources. Lastly, contributions were sought from villages whose bodies have achieved a considerable degree of cross-level collaboration both in the Northern and Southern sides of the Tanzanian coast.

Table 1-6. Instruments and function for the research, the number column refers to total number of participants or groups of participants within each category of respondents.

Methods	Function for the research	Case	Institutional Affiliation	No.per Category
Semi-structured interviews (includes individuals and groups)	Gathering of data on all research questions	CA	Cooperative Man. Board (members)	4
			Park manager FN Program	2
			Other park staff	2
			FN Traditional & Elected Chiefs	2
			FN Council members	3
			FN treaty negotiators	2
			FN elders	2
			Other FN members in admin/governing bodies	3
		TZ	Village Chairmen	13
			Village Executive Officers (VEOs)	13
			Ward Councillors	2
			Village Dev. Committees (bodies)	5
			Village Env. Committees (bodies)	3
			Park Wardens	7
			District Fisheries officers	2
			District environmental officers	3
Other district level staff	3			
Nal/Regional directors & gov staff	6			
Non-Saadani village bodies	2			
Meetings and focus groups	Assess institutional strength and functioning; also to gather data on various research questions	CA	Cooperative Management Board	1
		TZ	Village Councils	11
			Village Chairmen & VEOs Village elders	25 5
Scoring and Mapping with groups and key informants	In-depth Assessments of cross-level interactions; explorations of institutions and interplay; mapping spatial issues and approaches	CA	FN leaders	4
			FN admin staff	2
		TZ	Village Councils	11
			Village Chairmen & VEOs	13
Field Observation & GPS tracking	Measuring spatial challenges	TZ	Members of Village Councils (members)	18
			Village elders/leaders	5
			Village Chairmen and VEOs	9
Document research	Community level baseline data; institutional functioning and organization; formalized interactions; spatial organization; nature of collective and cross-level decision-making	CA	Online databases - spatial data	
		TZ	District/regional offices Village government offices National archives & libraries Park offices Published documents & reports Internal organizational documents	

In Tanzania, there were in-depth interviews with village-level elected and appointed leaders (Chairpersons and Village Executive Officers) from 13 of the 17 villages surrounding the park; focus groups and group interviews with elected decision-making bodies (Village Councils) of 11 of the 17 villages adjacent to Saadani NP; key

informant interviews with village members, district and regional government personnel from Tanga, Dar, and Handeni, Pangani, and Bagamoyo districts; appointed Development and Environment and Research Committees from three Saadani villages; and Saadani's park wardens for resource protection, community outreach, ecology and administrative staff. In sum, the gathered data comes from individual and group interactions with 217 participants directly connected to the Saadani Park and 10 participants connected to other nationally relevant coastal conservation processes.

1.6 Research Assumptions and Limitations

This section briefly expands on central assumptions of grassroots capacity and multi-level decision-making that guide the research topic, on the ontological and methodological implication of the research and on the relevance of justice as a central principle in the analysis of governance. It then reviews critical limitation framing the present study on environmental governance.

1.6.1 Assumptions

An important assumption guiding the choice of topic and approach to the research is the conviction that actors at all level of social organization need to be involved in the decision-making processes that affect their lives. Connected to the importance of meaningful engagement is the relevance and critical role played by governance and particularly by steering institutions in the outcomes of human nature-interactions. While it is clear that such meaningful engagement of critical actors is clearly dependent upon their capacity to contribute to and be part of institutional processes, underlying views on grassroots and indigenous capacities prevailing in western Eurocentric societies have often clouded perceptions on the feasibility and relevance of multi-level participation, and served as an excuse to condone exclusion. Exploring these rather complex issues, which are continually influenced by new insights from practical experience and emerging theories, compel researchers to identify central premises, and ontological and methodological dimensions framing the focus and the approaches to empirical research, as well as the type and scope of insights that it can generate.

In this thesis, it is assumed that generating knowledge of complex social phenomena demands placing scientific empirical evidence in a larger context that also includes questioning the existence of value-free absolute truths – without embracing the premises of extreme relativism. Scientific reasoning involves making choices, which are mediated by principles and academic practice common to specific disciplines and scientific communities. In terms of rational analyses of complex social issues, it might therefore seem useful to draw on the applicability and testability of empirical numeric or spatial data in relation to the meaning of such data to specific actors, contexts and processes.

As it applies to this research, no extreme assumptions are made on the complete objectivity of the findings; and neither is there a relativistic stance that questions the existence of a reality informing the background, approach to, and findings of the research. As such, a critical premise made in the development of the research and this thesis – its ontological stand – is that there is a real world of social-ecological phenomena, whose knowledge can be gathered and advanced through scientific research. Moreover, such knowledge, and the theories applied to make sense of it, should be taken as descriptions or forms of insights and ways of looking at or describing the phenomena under enquiry, rather than as a full representation of reality as it is. In this regard, governance theory permits us to describe specific social-institutional processes, but there is more to these processes and the other aspects of reality they are a part of and are connected to, which requires drawing on other conceptual and analytical frameworks and social processes to better understand their nature. Because of this, the analysis in this thesis also draws on the intricacies of place, spatial imaginations and arrangements in conservation. The spatial imaginations, or rather the geographies of environmental governance, are therefore central to the present analysis of state-managed conservation. In turn, the epistemological implications of the above ontological and methodological positions suggest that both quantitative and qualitative data are necessary to understand the analysis of complex social processes, such as governance dynamics.

Lastly, another critical point of departure in the empirical analysis of social institutions and environmental governance advanced in this thesis refers to the

importance of justice and equity as principles central to ruling social and institutional organization. How fair and equitable are state-led PAs to advance both global conservation needs and the collective goals of communities closely connected to biodiverse hotspots? Research on environmental governance has a central role to play in articulating if and how state-led conservation serves social and ecological well-being or the extent to which it is founded on justice and equity. The more a system is founded on these principles, the more likely it will gain necessary social legitimacy and be equipped with necessary checks and balances to tackle the challenge of sustainability. For the purpose of this research, justice and equity as principles have been measured through the outcomes of state-led spatial reorganization and grassroots engagement in biodiversity conservation, the distributions of burdens and benefits, and through the social and ecological impacts of institutionally assigned rights, roles and responsibilities in environmental governance, among others. In this research, efforts are made to identify critical assumptions influencing institutional approaches applied to the creation and governance of the two national parks, and the extent to which the adopted approaches are effective in enabling fair distributions of benefits and burdens, and connecting grassroots awareness and actions to large scale conservation approaches and goals. Therefore, the central aim is to assess the evolution and impact of adopted approaches in relation to human motivation and collective social and ecological well-being, institutional fit, grassroots spatial imaginations and agency, and ultimately cooperative governance of protected landscapes.

1.6.2 Limitations

There are many important components and processes comprising and influencing environmental governance, and the more scientific analyses strive to assess complex connections among them, the more chances emerge to get holistic snapshots of what sustainability entails in conservation. While maintaining awareness of such complexity has been sought throughout the development of this thesis, addressing such complexity has been limited by the dictates of community input on relevant challenges, some knowledge gaps identified in the literature, and accumulated experience.

In this regard, numerous lines of enquiry could have been pursued for this particular research, including assessing protected areas' ecological effectiveness or impacts of management practices on wildlife populations and community livelihoods. However, pre-research interactions enabled me to identify that critical challenges at the study sites were related to “how” and by “who” decisions on conservation are being made, rather than the scientific approaches being applied to protect the environment. This in turn informed the focus on institutional dynamics in protected area governance. Nonetheless, the research explores some aspects of effectiveness, but the effectiveness of governance approaches to succeed in the conservation of wildlife.

An even more significant limitation connected to both the approach and outcomes of the comparative research is my own difficulty to understand diverse worldviews on governance. Although I have a mixed indigenous and European background, I was raised in an utterly colonized environment and have been practically and academically empowered through fundamentally Eurocentric educational institutions. Thus, I have, to a large extent, embraced such a worldview in the study of governance which is visible in my choice of questions and methods. Therefore, it is important to acknowledge that this standpoint has limited the identification, let alone comprehension, of alternative cosmologies and governance paradigms.

Thirdly, the analysis on interplay and agency is mainly confined to two levels of social-ecological organization. The first refers to landscape level institutional dynamics. This scale includes what is happening within and around the two national parks, parks-communities institutional relationships and to a much lesser extent on the overarching frameworks that impact on park-community level dynamics. The second scale of analysis refers to community-level dynamics, particularly grassroots social organization and institutional make up. Other levels, such as the household, district and regional levels are recognized as important, but investigating their relevance in protected area governance was beyond the scope of this research. Moreover, because no attempt was made to explore power dynamics within the pertinent levels of social organization and/or to reach out to groups of respondents outside institutional realms, central issues of legitimacy, equity, gender balance, socio-cultural fit, collective stewardship and horizontal

cooperation—essential to exploring the effectiveness and sustainability of cross-level cooperation in protected area governance—it is only possible to reach conclusions confined to the analysis of the effectiveness rather than the appropriateness of the applied conservation frameworks.

Fourth, despite the claim made to generalizability, based on the empirical and institutional features characterizing both case studies, it could also be argued that more cases and analysis across different landscapes would be necessary to generalize from, for example, the importance of grassroots governance to PAs' ecological performance. Other constraints to making generalizations are connected to the particular case studies. In the Canadian case study, the reduced number of respondents and the diversity of grassroots approaches and ways of exercising agency prevented making important generalizations even only for Nuu-cha-nulth nations and for conservation on Vancouver Island. In the Tanzania case study, because of the singular socio-political conditions and nature of grassroots social and institutional organization, specific to this East African country, it would be precipitated to argue that grassroots social and institutional conditions, even just across East Africa, are ripe for meaningful cross-level collaboration.

1.7 Significance and Contribution to Knowledge

The substantive concern of how we are to develop adaptive and other capacities to confront unprecedented ecological, livelihood and environmental change and to address sustainability is unswervingly linked to governance (Cash et al., 2006). Governance, ultimately, is “a process whereby societies or organizations make their important decisions, determine whom they involve in the process and how they render account” (Graham et al., 2003, p. 1). It is through institutions for governance and institutional interplay that we are able to address critical concerns of human agency and structures as supporting or not supporting social and environmental sustainability (Crowder et al., 2006). Developing an understanding on the origin and nature of steering institutions can enable a defining and redefining of the role of individual actors, communities, agencies and historical circumstances in the shape, depth, enactment and implementation of management strategies and coping responses (Powell & DiMaggio, 1991) to social and environmental challenges.

Large efforts have been devoted to identifying the diversity and complexity of social and environmental challenges, including: detailed explanations of biophysical characteristics and change; identification of connections and interdependence among the various levels of social and ecological organization; and the diverse nature of their structures, constituents and approaches. However, current research on governance, environmental management and policy points to persistent knowledge gaps and an inadequate understanding of the relationship between governance approaches and environmental change (Biermann, 2008). Efforts in understanding the connections between global change and environmental governance (Stern, Young, & Druckman, 1992; Young et al., 2008; Young, 1982), as well as the nature and approaches to ecological management (Jentoft et al., 2007; Yaffee, 1997), highlight both the intrinsic complexities of social-ecological systems and the importance of institutional steering and interplay in social and ecological outcomes.

At the heart of this research is the enquiry into the motivations and approaches to governing the environment and its resources, which are examined in relation to questions on *who*, *how* and *to what aims* pursues conservation, and what are the nature and impacts of adopted approaches. At present, officially designated PAs are close to 160,000 in number and cover 12.5% of the earth's surface (Watson, Dudley, Segan, & Hockings, 2014). Yet, so far we have not only failed to achieve global biodiversity conservation goals (Butchart et al., 2010; Stokstad, 2010), but have also witnessed the highest declines in wildlife and the ecological extinctions of numerous species (WWF, 2014b) connected to protected landscapes. While linking poor protected area management to declines in biodiversity has been under scrutiny for some time (Brandon et al., 1998; Christie & White, 2007; Duffy, 2006), there are, persistent knowledge gaps in the relationship between poor management and governance, and more particularly, in environmental governance deemed to be *participatory*. In fact, the extent and nature of current problems within PAs worldwide suggest top-driven conservation may pose far greater challenges to preserving biological diversity than previously thought.

Distinct from assessing the feasibility of state-based ecological conservation or gathering statistical data on the ecological effectiveness of protected area systems, what

has been analysed through the present empirical work is how specific forms of protected area governance account, in part, for what is needed to achieve sustainable conservation. Considering the level of abstraction that can often characterize discussions around sustainability, it became central to illustrate in concrete spatial and institutional ways how PA management and biological conservation is impaired by governance, by exploring tangibly the nature of specific policies, spatial arrangements, institutions and interplay likely to affect the sustainability of protected landscapes. Furthermore, in a period characterized by extensively developed pro-participation discourses and fundamentally flawed mechanisms for environmental governance, it is relevant to explore: how far we are in terms of multi-level engagement both in conservation and development; the extent to which current institutional challenges are related to lack of capacity at lower levels or to fundamental misfits between the nature of challenges and adopted approaches; and more importantly, what does meaningful engagement in environmental governance entail beyond the level of discourse.

1.8 Organization of the Thesis

The dissertation is organized into six chapters, followed by References and Appendixes. Chapters two to five present the findings of the research. These chapters are structured as academic papers in that they all have their own introduction, methodology, literature, presentation of research findings, and analysis. All the chapter address, to a greater or lesser extent, all the research questions. *Chapter Two* is on the PRNPR case study. The chapter identifies the spatial, institutional and ecological characteristics of the case, examines overarching and underlying governance elements and processes influencing conservation, and presents an analysis of how institutions and interplay affect institutional fit, adaptive capacity and more generally the social-ecological sustainability of the protected landscape. Chapters three and four are focused on the SNP case. *Chapter Three* provides central social, ecological and institutional features of Saadani National Park, examines the spatial and institutional dimensions of grassroots agency, and considers how institutions and interplay across levels of social organization affect the role of communities in state-based conservation. *Chapter Four* analyses conservation practice in Saadani—through a detailed examination of the spatial and institutional approaches

enabling the establishment of SNP—in order to identify how institutional design and interplay impacts on the social and ecological sustainability of Tanzania’s state-based conservation. *Chapter Five* presents comparative analysis on how Canada’s and Tanzania’s governance architectures and nature of interplay – between parks’ and communities’ actors and institutions – affect grassroots agency, institutional fit, adaptive capacity and ultimately multi-level cooperation in states-based approaches to conservation. Lastly, *Chapter Six* provides a synthesis of findings for each research objective, outlines contributions the research makes to contemporary inquiries on environmental governance and important implication for conservation policy and practice.

Chapter 2: Institutional Interplay and Adaptive Capacity in and around Pacific Rim National Park Reserve (PRNPR)

2.1 Abstract

Although protected areas (PAs) have become strategic components in the pursuit for sustainability, they have thus far had mixed success in achieving environmental goals. This is due to external factors such as environmental change and degradation and internal factors such as governance design and insufficient ability to operate within and connect to wider socio-economic and institutional frameworks. This chapter presents findings on governance research at Pacific Rim National Park Reserve (PRNPR) including interactions between Parks Canada and First Nations communities in and adjacent to the park reserve and ways in which the nature of these interactions affect institutional strength and adaptations. It also examines governance processes and mechanisms that in turn influence social and ecological sustainability. It describes both Parks Canada's actions and First Nation's perspectives on key components and mechanisms of multi-level environmental governance processes that directly influence the coupling of ecological goals with social goals. The empirical evidence suggests that institutional adaptive capacity is critical when addressing the inherent interconnectedness and interdependence that exists between social and ecological components of landscapes. The findings identify comprehensiveness, trust, inclusivity, leadership, knowledge co-production, and fair governance as central elements to influence adaptive capacity at the level of institutions and ecological success in conservation efforts.

2.2 Introduction

As researchers and practitioners document and predict greater and more drastic climatic and other events threatening the existence of human and ecological communities (Meehl et al., 2000; Webster, Holland, Curry, & Chang, 2005), there is a growing recognition of the importance of environmental governance generally, and in particular the role of institutional structures and interactions in fostering adaptive capacity (Robinson & Berkes, 2011), both by being catalysts in the emergence of conservation and management strategies and by shaping social and environmental outcomes (Young et al.,

2008; Young, 2010). The creation of PA systems has been a major strategic component of many environmental governance regimes and a cornerstone in the pursuit of sustainability (Dearden et al., 2005). Adaptive capacity, and more frequently, the capacity to cope and reduce vulnerability has become a central topic in research addressing climate change (R. Nelson et al., 2010; Pielke, Prins, Rayner, & Sarewitz, 2007) and a growing concern in environmental conservation. Research suggests PAs play a critical role in building capacity to adapt to change (Dearden & Canessa, 2009; Dearden, 2009; McNamee, 2009), such as climatic change (Hannah et al., 2002) and livelihood change (Naughton-Treves, Holland, & Brandon, 2005).

The increase in the number of PAs established worldwide, which currently comprise about 13% of the earth's surface (Jenkins & Joppa, 2009) and 0.7% of the oceans (Wood, Fish, Laughren, & Pauly, 2008) is just as significant as their role in adaptability. However, despite the amount of effort to confront the unprecedented scale and magnitude of change being experienced globally, the dominant approach of PAs has had mixed success in achieving environmental goals. PA challenges have been connected to factors such as governance design and insufficient ability to operate within and connect to wider socio-economic and institutional frameworks (Brandon et al., 1998; Christie & White, 2007; Duffy, 2006). These challenges have situated governance as one of the leading concerns in the study of PAs (Borrini-Feyerabend et al., 2004; Dudley et al., 1999; Jentoft et al., 2007; Smith, 2003). However, the effectiveness of PA systems and their sustainability might pertain as much to their degree of adaptability as to their ability to mitigate and prevent detrimental environmental change and declines in biodiversity. In this regard, our understanding of what changes at the institutional and governance levels need to take place to address environmental challenges, and more importantly, to understand the relationship between adaptability and sustainability are yet to be thoroughly explored, articulated and applied to current PA approaches.

Approaches to protected area management, through which adaptive and non-adaptive responses are implemented, have been explored at some length (Christie & White, 1997; Hockings et al., 2006; Leverington, Hockings, & Costa, 2008; Ruttenberg & Granek, 2011), yet comprehensively addressing their degree of adaptability entails

analyzing the overall approaches to environmental governance from which management strategies emerge.

To contribute to the analysis of adaptability and sustainability in environmental governance, this chapter focuses on answering the question: How does interplay across-levels of social organization influence PAs’ adaptive capacity, what are repercussion of such interplay for institutional fit (between conservation institutions and targeted social ecological systems), and more generally, for achieving the social and ecological sustainability of protected landscapes. It does so through a detailed examination of official governance frameworks and local level governance dynamics at Pacific Rim National Park (Vancouver Island, British Columbia, Canada) and in Nuu-cha-nulth First Nations territories within which the park is located. It builds on environmental governance and adaptive capacity literature to analyse relevant organizational characteristics (organizational structures) and associated arrangements (institutions); the influence of country-wide and grassroots institutional frameworks; and the nature of park-nations interactions and governance outcomes which emerge. In particular, it illustrates the impacts that country-wide social and other policies have had on First Nations’ assertions of rights and collective actions, how multi-level perspectives, values and approaches shape the match between conservation institutions and social-ecological systems, and how institutional interplay influences the emergence of grassroots agency and adaptability outcomes that can ultimately enable the coupling of social goals with ecological goals.

Table 2-1. Analytical approach to the study of the case.

Analytical Features	Contributions to Empirical Analysis
Nature and relative importance of institutions at the local and federal levels	To analyse central components of governance architectures affecting environmental governance
Structural characteristics of the governance system in place, including subsidiary arrangements	To describe the governance system in place, including prominent institutional arrangements and outcomes in multi-level cooperation
Vertical interactions leading to the integration of multiple actors and perspectives in PA governance	To describe the nature of interplay, its impacts on adaptive capacity and influence on the coupling of social and ecological goals

Throughout the presentation of the PRNPR findings, equal weight is given to social and ecological goals as they relate to PA systems and their geographic areas. These are assumed to be inextricably interdependent and in need of close examination in the understanding of the links between adaptability and sustainability.

2.3 Adaptive Capacity and Environmental Governance

2.3.1 Conceptualizing and Contextualizing Adaptive Capacity

The term “adaptive capacity”, which has often been equated with coping capacity, has become prominent in recent years. In almost every field, scholars have tried to address questions around adaptation in the face of predictable and unpredictable change. In this chapter, the definition of adaptive capacity is distinct from that of coping capacity and adaptation. Coping capacity refers to immediate and often temporary responses taken within existing structures (Eriksen, Brown, & Kelly, 2005). Adaptation refers to strategies adopted to cope with persistent or anticipated stresses, which involves some learning over time (Smit & Wandel, 2006). On the other hand, adaptive capacity refers to long-term capacity to “prepare in advance for stresses and changes and to adjust, respond and adapt to the effects caused by the stress associated with future...change” (Berman, Quinn, & Paavola, 2012, p. 91). Adaptive capacity, in addition to adaptation, involves setting in motion active social mechanisms to influence structural change in the search for sustainability in adaptive responses.

Climate change and social–ecological systems research, and particularly vulnerability and resilience assessments (Walker, Holling, Carpenter, & Kinzig, 2004) have brought adaptation and adaptive capacity into the spotlight (Berman et al., 2012; Engle, 2011). The degree of exposure and susceptibility to harm of a system, its vulnerability and its capacity to adapt and benefit from change, or its adaptive capacity, have been central components in almost every undertaking of human dimensions of climate change research. Within the International Panel on Climate Change analytical framework, adaptive capacity is positioned as a causal factor affecting degree of vulnerability of a system (W Neil Adger et al., 2004). Vulnerability studies have variously focused on both the role and causal effects of biophysical and socio-political

factors in a system's ability to deal with stresses. Conditions shaping social-ecological responses to change and their degree of vulnerability have been now recognized as multiple and complex in nature (Berman et al., 2012). These variables affecting vulnerability have been connected to historical coping strategies (Chambers & Conway, 1991) and environmental hazards (Alcántara-Ayala, 2002), but are also influenced by land tenure, resource management and other policies and institutions influencing human-nature interactions. Overall, vulnerability research has identified adaptive capacity as necessary for dealing with and addressing exposure and responses to threats being faced by social-ecological systems.

For resilience theorists, a system's potential nature and amount of resources and self-organizing capacity, together with influences from systems at larger and smaller scales, are the essential components that determine its capacity to adapt and its resilience. On this point, understanding a system's capacity to adapt involves a joint analysis of human and ecological interactions across-scales, as well as its capacity to re-organize and persist in the face of change (Lebel et al., 2006). Resilience theorists argue that there are limitations to applying rationalist/reductionist approaches to the management of human and natural systems (Gibbs, 2009) and advocate for identifying key system structures and connections across scales while also embracing complexity in order to better address adaptive capacity and also acknowledge uncertainty (Holling, 2001). In resilient systems, where change is caused by both social and ecological processes, adaptive capacity influences both the persistence of social-ecological systems and/or their transformation to new states.

However, a critical point to consider is that adaptive capacity *per se* does not determine the acceptability, adequacy or appropriateness of a system, but rather its ability to reconfigure itself and benefit from change by evolving and persisting. Therefore, determining the social and ecological impacts of adaptability outcomes is as significant as the assessment of adaptive capacity itself. As such, a focus on reducing vulnerability and/or increasing resilience of systems in the face of climatic and/or social-ecological change and disturbance, which happen to be the primary reasons for the creation of PA networks, still demands an understanding of the relationship between adaptability and the

sustainability of the social-ecological communities for which the systems were initially created. This suggests that exploring the *how* and *by whom* (the frameworks guiding design and implementation) of conservation approaches is as important as the *what* to do to protect biodiversity.

2.3.2 Protected Areas and Adaptive Capacity

PAs have become a major strategy in responding to anthropogenic change, through wide support and validation from biophysical research on ecosystems vulnerability, and climate and environmental change (Brooks et al., 2006; Pimm & Raven, 2000; Pimm, Russell, Gittleman, & Brooks, 1995; WWF, 2014b). As a matter of fact, PAs stand as one of the most widely applied adaptation strategies to confront ecological change (Juffe-Bignoli et al., 2014). Yet their mixed success in achieving both social and conservation goals (Brandon et al., 1998; Stokstad, 2010) compels a re-examination of the conservation frameworks promoting PAs' role in sustainability. Their mixed success also warrants determining the adaptive capacity of PAs under the current context of rapid and unpredictable landscapes changes. Nonetheless, research on the role of governance and steering institutions in addressing the capacity of society to adapt to change is conceptually and methodologically still taking shape, despite accumulated research in climate change, resilience, governance and other related scholarship pointing to the importance of governance systems in adaptability (Change, 2007; Walker et al., 2002; Young, 2002b).

Researching adaptive capacity (AC) at the level of institutions, moreover, is a difficult task, as researchers struggle with how to measure it and characterize it (Engle, 2011). Analytical frameworks developed to characterize AC in governance include exploring the role of learning (Pahl-Wostl, 2009) and institutional dimensions (Gupta et al., 2010). Gupta et al., (2010) suggest enabling AC at the level of institutions involves: Variety, Learning Capacity, Room for Autonomous Change, Leadership, Resources and Fair Governance (Gupta et al., 2010).

Characterizing and assessing adaptive capacity, as well as linking it to social and ecological sustainability are all critical to successful conservation. For PAs, in light of

accumulated research, it is timely to explore how governance, institutions and spatiality affect the appropriateness of PAs as systems to preserve ecological wealth. But more importantly, to explore their fit for fostering synergistic and complementary interactions between the cultural and ecological diversity, which are so characteristic of biologically rich regions.

2.3.3 Environmental Governance

Numerous challenges in achieving conservation objectives and in addressing the legitimacy, planning and implementation of conservation strategies highlight the need for more holistic and inclusive approaches in their conception, management and governance (Brosius, 2004; Dudley et al., 1999; Hoole & Berkes, 2010; Pimbert & Pretty, 1995). Ever expanding empirical and theoretical contributions have both enabled realizing these conservation challenges and identifying persistent knowledge gaps, such as the ones related to decision-making and conservation outcomes across scales. This chapter focuses on how particular governance elements (such as institutions) and processes (such as grassroots agency, multi-level interplay and organizational change) influence adaptive capacity in state-based conservation. This focus on a broad exploratory analysis of a system's adaptability and the processes through which adaptability influences and/or is influenced by sustainability was done by building on central conceptual and analytical dimensions of governance theory, as explored through the lens of environmental governance scholarship (Gehring & Oberthür, 2008; Underdal, 2008; Young et al., 2008; Young, 2008b)

The central unit of analysis is institutions: sets of rules guiding individual and collective actions, which are essential for dealing with environmental problems, and which affect the type, nature and magnitude of these problems as underlying forces (Underdal, 2008; Young et al., 2008, p. 9). The nature of environmental institutions and their effectiveness for prescribing rights, responsibilities and the distributing burdens and benefits, as well as operationalizing access and allocation and cross-level interactions, are dependent upon dynamics at higher and lower levels of social organization problems

(Young et al., 2008). In environmental governance scholarship these interactions are termed “interplay”.

Empirical studies on institutional interplay have emphasized that “inter-institutional influences significantly affect the development and performance of virtually all institutions” (Gehring & Oberthür, 2008, p. 188). A focus on institutional interactions enables an understanding of performance of how environmental regimes perform in relation to embeddedness and overlap (Gehring & Oberthür, 2008). Embeddedness refers to the degree to which non-environmental institutions influence environmental processes and outcomes. Overlap refers to functional or more intentional connection among institutions operating at any given level, but with overlapping spatial, resource-based and/or socio-political targets.

Embeddedness and overlap, as much as the nature itself of institutions, highlight the importance of governance architectures as an important analytical dimension to more comprehensively understand how environmental conservation influences social-ecological change, agency and adaptability at various levels of social organization. Whether interactions are made to happen by political design or are the outcomes of functional interdependencies among targeted land/resource interests by actors at different levels, it is clear that institutional interplay does not only affect institutional fit and the effectiveness of environmental conservation, but can also foster the emergence of *political* linkages (connections by design) among apparently competing actors.

In what follows, the above conceptual and analytical premises help to facilitate and characterize PAs and more broadly environmental governance in and around PRNPR, and help assess how conservation actors and institutions enhance/affect adaptive capacity in conservation efforts. What is more, the chapter’s theoretical and empirical insights are informed by critical indigenous narratives that can better link institutional adaptive capacity to long-term sustainability.

2.4 Case Study Background

2.4.1 Land and Resource Ownership in Canada

Canada's territorial lands and waters fall under the ownership of the Crown, represented by the federal and provincial governments. At present about 90% of the land is also under government control, with about 41% and 48% of the country's lands classified as federal and provincial crown lands respectively (Cahill & McMahon, 2010). The rest of the territory is under private control or what is also described as "fee simple", privately held land but still owned by the government (Bale & Brierley, 2006). Private hold enables exercising control in terms of land use, but does not include full rights to underground resources (Bale & Brierley, 2006). Similarly, federal and provincial governments hold full resource use and management rights over crown lands falling under or excluded from treaty processes. However, because of judiciary rulings it is now a duty of the government to consult and accommodate Aboriginal interests over crown lands encompassing asserted traditional territories.

In areas of Canada under significant land agreements, such as the 1992 Nunavut Lands Claim Agreement, or the more recent Maa-nulth Treaty on Vancouver Island's West Coast, there are different types of land use and control, as well as percentages in the share of revenues between the federal and aboriginal governments. Of the areas falling under treaty or other land agreements, the totality are automatically recognized as asserted traditional lands where indigenous communities have a degree of input on its use and governance. Of this total extension there is a percentage of territory, different for each negotiating nation, classified as 'settlement' lands, where nations exercise full self-governance and socio-economic control, and which normally include rights to a percentage, not the totality, of subsoil resources. In the case of Nunavut, settlement lands accounted for close to 19% of the total extent of their officially recognized traditional territory, which was an unprecedented win for aboriginal peoples in the country and the world. The Maa-nulth treaty agreement was signed with four different nations, with the extent of settlement lands different for every nation. But in no instance were settlement lands up to 10 percent of the total extent of the nations' traditional territories.

2.4.2 Vancouver Island and PRNPR

Having the highest annual rainfall in Canada, Vancouver Island is comprised of dense temperate rainforests and unique coastal, riverine and marine ecosystems that are home to commercially important but also ecologically diverse aquatic and terrestrial species. At the same time, potential non-renewable resources extraction (gas, oil, methane) and mining (Kilby, 1995) together with current rates and extent of forest resource extraction ventures (Forests, Lands and Natural Resources Operations, 2014) threaten its cultural and ecological diversity, the integrity of its ecosystems and their ability to sustain human and natural life.

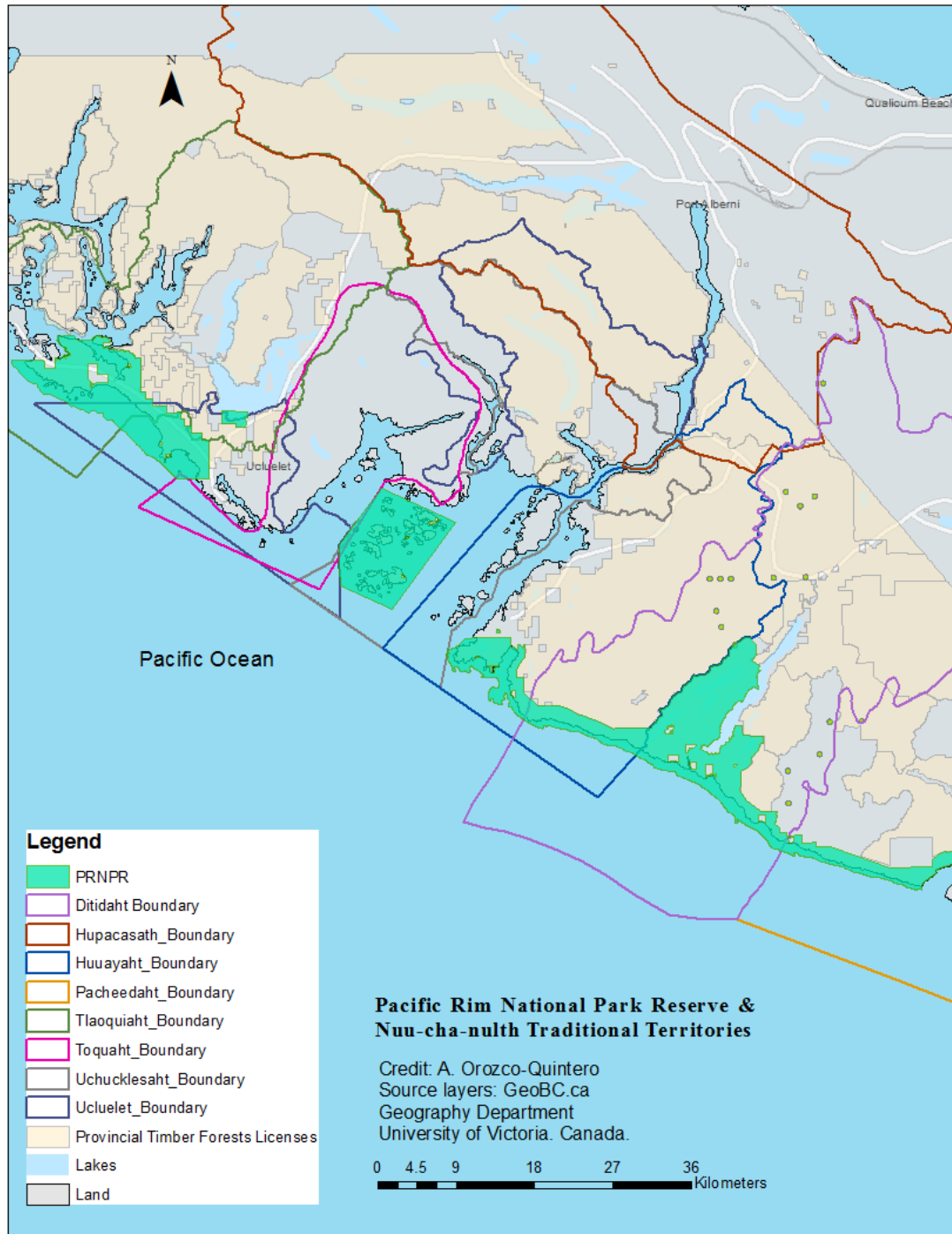
Home to the 15 First Nations groups comprising the Nuu-cha-nulth First Nations, (Vancouver Island, 2014), Vancouver Island's West Coast has long been a battlefield between conservation and development perspectives. The West Coast of Vancouver Island is home to the Pacific Rim National Park Reserve (PRNPR), and the Clayoquot Sound, an area designated as a UNESCO Biosphere Reserve in 2000 (Trust, 2011). It is a place of historically rich interactions among strong competing interests from industry, government and First Nations that lead to numerous struggles addressing environmental and land use management concerns, and also to the establishment of institutional frameworks built upon ground-breaking principles of inclusion of legitimate stakeholders -see (Dobell & Bunton, 2001) for a history of the Clayoquot Sound.

Established unilaterally by the federal government in 1970, The Pacific Rim National Park Reserve (PRNPR) became the first national park on the West Coast of Canada. Its status as a 'park reserve' has its roots in ongoing or unsettled First Nations land claims and treaty negotiations, and allows Parks Canada Agencies to continue implementing federal national parks conservation processes established by law, while also permitting First Nations claims on park lands (Parks Canada, 2013). The Park is composed of three separate geographic units: West Coast Trail, Broken Group Islands and the Long Beach Unit (See Map 2-1 and Table 2-2. for details). The West Coast Trail (WCT) on the southern part of West Vancouver Island is connected to the Nuu-cha-nulth traditional territories of the Huu-ay-aht, Ditidaht, and Pacheedaht Nations; the Broken Group Islands (BGI) to the Tseshaht and Hupacasah and Uchucklesaht First Nations and

the Long Beach Unit to The Toquat, Tla-o-qui-aht and Ucluelet First Nations (Canada, 2010).

Table 2-2. Nuu-cha-nulth First Nations geographic and organizational connections to the PRNPR. Sources: Interviews, GeoBC Website and Parks Canada

Park's Geo-Units	Nations	Traditional Territory	Treaty Process	Cooperative Management Status
WEST COAST TRAIL (WCT) - With reserves or Treaty Settlement Lands (TSLs) that are uninhabited-	Huu-ay-aht	Part of parklands surrounded by traditional territory. 3 TSLs surrounded by Park and 12 TSLs outside the park	Maa-nulth Treaty	Fully operating CMB in Place since 2008
	Ditidaht	Parklands surrounded by traditional territory, including 12 Indian reserves within parklands	Stage 4	Focus on one-off programs and economic partnerships
	Pacheedaht	Parklands surrounded by traditional territory	Stage 4	Focus on one-off programs and economic partnerships
BROKEN GROUP ISLANDS (BGI) -With uninhabited Indian reserves	Tseshah	BGI Birthplace and traditional territory of the nation	Unknown	Final agreement to start CMB operations signed
	Uchucklesaht	Treaty rights within the park but no actual section of land. (harvesting, cultural practice rights)	Maa-nulth Treaty	Focus on one-off programs and economic partnerships
	Hupacasath	One Indian reserve within parklands	Not negotiating treaty	Focus on one-off programs and economic partnerships
LONG BEACH UNIT (LBU) - With one inhabited reserve and TSLs-	Toquaht	They have treaty rights within the park but no actual section of land. (harvesting rights)	Maa-nulth Treaty	Focus on one-off programs and economic partnerships
	Tla-o-qui-aht	Part of parklands surrounded by traditional territory. Only Nation with an inhabited Indian Reserve within parklands.	In advanced agreement In Principle	Economic partnerships and negotiating terms of reference
	Yuu-thlu-ilth-aht (Ucluelet)	Part of the parklands surrounded by traditional territory.	Maa-nulth Treaty	One-off programs and economic partnerships



Map 2-1. Pacific Rim National Park and Nuu-cha-nulth First Nations territories. (Source: GeoBC).

2.5 Methods and Data

The study of institutional adaptations of a coastal protected area presented here is connected to the research program *Protected Areas and Poverty Reduction: A Canada-Africa Research and Learning Alliance* (PAPR), in which governance is one of four research themes of the project. The Pacific Rim National Park Reserve (PRNPR) is one of several partners in the research. After various meetings and interactions with both the PRNPR and some Nuu-cha-nulth First Nations connected to the park, the case study research took place from March to July 2012.

Interview guides were designed to elicit a general descriptive analysis of the governance systems, including: the nature of institutional and organizational interactions; legislative frameworks guiding such interactions; perceived and measured progress in collaborative management of the PA; connections between adopted or applied environmental approaches and overarching indigenous goals; overall mechanisms for knowledge exchange; capacity building and finding agreement; and sets of underlying principles guiding institutional design and interplay. Various representation methods, including maps, statistical, social and other information were employed during semi-structured interviews to assess the background, understand connections and ascertain the nature of institutional interactions between the PRNPR and First Nations. A total of fifteen semi-structured interviews with park program managers and personnel (First Nation Program Managers, and other staff); members of four First Nations governance structures (among which were chiefs, councillors, community liaisons and elders within institutions connected to Parks Canada); and members of one of the collaborative management boards were the source of primary data presented in this chapter. Three of the four nations interviewed are treaty nations, ratified in 2011, and one is presently engaged in treaty negotiations. During treaty negotiations, nations and the federal and provincial governments aim to define rights and title over asserted traditional First Nations territories.

Before and during the gathering of primary data, published and unpublished documents linked to PA management and First Nations governance were shared by prospective and actual participants and identified through document research. The

document research also involved the gathering spatial data, including First Nations territorial claims, spatial connections to the park, amount of land under treaty settlement lands, and descriptions of land use and resources within the park and First Nations territories. Consequently, the data presented in this chapter comes from qualitative research, but it is also enriched, validated and supported by secondary sources. The methods employed to gather the findings include semi-structured interviews, GIS and document analysis.

2.6 Findings

The empirical findings are divided into three main sections. The first section elaborates on spatial relationships and the overarching frameworks that affect environmental governance in and around PRNPR. The second section expands on interplay and the nature of the framework guiding multi-level interactions among park and First Nations actors. The third section is comprised of indigenous narratives from former and current Huu-ay-aht First Nation leadership which offer a glimpse of the complexity of multi-level interactions, and additionally, provide insights on the nature and dynamics of institutional interplay and governance outcomes enabling adaptive capacity and multi-level cooperation between Huu-ay-aht First Nations and the park.

2.6.1 Spatiality and Architectures in Environmental Governance

The entirety of the Pacific Rim National Park Reserve is on Nuu-cha-nulth traditional territory. The Pacific Rim National Park Reserve is culturally and/or physically connected to the Pacheedaht, Huu-ay-aht, Ditidaht, Tseshaht, Yu?lu?il?ath (Ucluelet), Hupachasath Uchucklesaht, Toquat and Tla-o-qui-aht First Nations (See Section 3.4.1). Of these nine nations, the Uchucklesaht and Toquat Nations have no park lands within their collectively owned lands (treaty settlement lands), but since time immemorial they have practiced subsistence harvesting and cultural practice within park lands which are connected to the wider traditional territories. Hupachasath has one of its 21 Indian reserves located within park lands, and all the other six nations have park lands within their asserted territories and/or treaty lands. Early documentation of park governance processes, supported by interviews conducted for this research, highlights the

lack of involvement of First Nations in both the park establishment (M. Miller, 1972) and subsequent management (Dearden & Berg, 1993). It was not until two decades after park establishment that a collection of factors led to the creation of programs, on the part of Parks Canada, to establish and develop links with the Nuu-cha-nulth First Nations inhabiting Vancouver Island's West Coast. These factors included: decisive assertions of rights and civil disobedience by First Nations, who together with environmentalists and local communities pushed for changes to practices that amounted to 'mining' of forests on the island's West Coast (Jeremy Wilson, 1998); a growing awareness of the importance of and engagement in multi-level socio-economic and environmental decision-making (Dobell & Bunton, 2001); court cases and the Constitution Act (Elias, 1989); and the enactment of specific policy instruments through regulatory measures allowing subsistence harvesting and land claims on some newly established National Parks in the early 1970s to the early 1980s, as part of Parks Canada's co-management policy direction.

Pacific Rim park lands include coastal tidal and intertidal zones, but also marine areas and islands inextricably connected to First Nations (FNs) identity, culture, social, spiritual and economic life. Interview participants emphasized the inseparable nature of land and identity: "*...the whole territory makes us who we are in many ways.*" This assertion is supported by recent research on linkages and importance of marine and coastal territories and resources to First Nations on the West Coast (K Haugen & Crookes, 2009; West Coast Aquatic, 2013). In fact, several sources on anthropological research and writers over the past century, as well as traditional knowledge and the arts of indigenous peoples, highlight the importance of territories not only as places connected to spiritual and cultural life, but also as important reservoirs of traditionally valuable and diverse resources such as terrestrial mammals and whales, plants, shellfish, salmon, herring, rockfish, halibut, crab and prawn, demonstrating traditional territories are archeologically-rich, critical ecosystems. This spiritual, traditional and livelihood connection has driven the systematic and strong assertions on behalf of First Nation leaders for pursuing land ownership and jurisdiction rights. As elaborated below, these collective goals, the set of institutional processes they put in motion, as well as other

encompassing drivers of change, have shaped and affected the nature and degree of participation of First Nation communities in environmental governance.

The first among several significant developments affecting FNs participation in environmental governance relates to the current status of numerous nations in terms of cultural identity, environment and development on Indian reserves and traditional territories. As indicated by indigenous leaders, loss of cultural identity and practice, soaring unemployment, extreme poverty and environmental deterioration characterize First Nations communities. These challenges have served as both factors triggering significant leadership efforts on collective rights and title, on the one hand, and as obstacles precluding the development of aboriginal approaches to environmental governance and aboriginal institutions' contributions to encompassing environmental conservation needs on the other. Leaders have linked such conditions to both exogenous drivers, such as federal and provincial policies and socio-economic strategies, and to more endogenous drivers such as leadership crises and cultural disengagement.

According to respondents, provincial and federal policies and regulatory frameworks on resource exploitation, First Nations governance and education, among others factors, have greatly affected the current social and economic status of FNs. Residential school programs (Milloy, 1999), and other constraining and disabling policies and regulations were furthered through the Indian Act and Indian and Northern Affairs Canada (Moss, 1990). First Nations populations and non-treaty indigenous governing bodies must abide and operate under these imposed constraints. Provincial resource extraction policies, such as forestry concessions, are another example of higher level exogenous driven processes that have affected the role First Nations have played as stewards of traditional lands and resources, and their ability to contribute to larger discourses on conservation and development. Leadership disconnected from traditional principles of humans-nature interconnectedness and interdependence and solely focused on "getting a piece of the pie"; cultural assimilation and loss of collective identity leading to individualism; and inter-nation and intra-nation conflicts are identified by respondents as key endogenous drivers.

De facto sovereignty and the treaty processes have both become strategic approaches to asserting indigenous rights and title and to addressing current environmental, social and economic crises on Indian reserves and traditional territories. While the views of First Nations leaders on the benefits of engaging in treaty negotiations to gain ownership of traditional lands and jurisdictional independence differ, they all agree that the written and unwritten policies, that guide treaty making procedures are directed at reducing to the least possible the quantum of traditional land they can collectively own, which in turn limits their ability to be self-sustaining and sustainable. However, recent ratifications of the Maa-nulth treaty have still been seen as essential to achieving self-governance for three of the four nations. On the other hand, aboriginal governing bodies have also seen potential and benefits in exercising de facto sovereignty by taking direct action to stop the mining of Vancouver Island's remaining temperate rainforests (Jeremy Wilson, 1998); by developing and implementing intricate and scientifically sound land use plans integrating conservation with sustainable use (Murray & King, 2012; Tla-oqui-aht Tribal Parks, 2009); and by uniting efforts with other nations to speak with one voice when addressing governance, development and environmental issues.

Respondents from all four nations also elaborated on how conservation paradigms and approaches have influenced the degree of interactions and synergies between environmental agencies and First Nations bodies. They agree on how Parks Canada's efforts for cooperation involve legitimate players in governance and management, and how its evolving paradigms embrace the interdependence existent between social and ecological components of landscapes have come to synergize with ancestral indigenous worldviews seeing human and natural life as inseparable parts of the same whole.

There are also essential commonalities among overarching PRNPR goals and First Nations goals. Leaders of three of the nations who participated in the research are in agreement with the set of rules and goals set for the parklands, while one nation's nature and degree of planning on land and resource use and management strategies, which include park lands within its traditional territory, have at different times come into conflict with park rules (for example, on restricted used, non-commercial harvesting, and

type of activities allowed). All leaders affirm the multiple efforts made through Parks Canada programs to build relationships, identify employment and economic opportunities, seek input and agreement in park management strategies and terms of cooperative management, and to engage in multiple interactions, are aimed at building trust and understanding between each individual nation and the Pacific Rim National Park Reserve (PRNPR). See Figure 1 for an illustration of Parks Canada and PRNPR organizational and institutional developments affecting park governance.

2.6.2 Interplay in PRNPR's Approaches to Environmental Governance

Against the background of exclusionary decision-making and direct disregard of the First Nations populations inhabiting the land and their traditional connections to coastal and marine ecosystems, Pacific Rim National Park Reserve's approaches to environmental governance have evolved to regularly and strategically pursuing collaborative management and stronger relationships with local First Nations communities. This process of relationship building started in 1995 with the creation of the PRNPR First Nations Program (FNP), and has paved the way for the establishment of the Cooperative Management Boards (CMBs), the formal multi-level environmental decision-making bodies to facilitate the integration of social with environmental goals. At the time of data gathering, Spring 2012, there was one fully operational Cooperative Management Board (CMB) with the Huu-ay-aht First Nation (FN) and one Cooperative Management Memorandum of Agreement signed with the Tseshaht FN, and various levels of engagement with other nations (see Table 8). The four nations under the Maa-nulth Treaty Agreement are also party to the Parks Side Agreement, which contains the conventions on the cooperative management of the park with the Maa-nulth treaty nations. Guiding principles for environmental governance for achieving the overarching goals of protecting natural and cultural resources and enhancing visitor experience are stated in the PRNPR Management Plan. The strategies to achieve the goal are: 1) Working with First Nations partners; 2) Protecting and restoring cultural resources and ecological integrity; 3) Managing the coastal zone; and 4) Enhancing community relations and visitors experience. These strategies, however inclusive or revolutionary, do not override the degree of authority already vested in the federal government: "The

Minister retains authority for the management, administration and control of National Parks and National Marine Conservation Areas, or any other protected areas that are owned by Canada and administered under the jurisdiction of the Parks Canada Agency” (Government of Canada, 2009, p. 258).

Despite the fact that there is a clear retention of authority at the federal level, PRNPR approaches illustrate the transitioning from both the utopian goal of “pristine environment” conservation and unilateral decision-making towards the recognition of the role and importance of the social components of natural landscapes, which consequently affected an institutional shift in the governance of the PRNPR. This shift is being pursued practically through the First Nations Program (FNP), the overarching objective of which is “to build relationships or create cooperative management regimes with nine of the 16 Nuu-chah-nulth Nations” (Canada, 2010, p. 7). The FNP has involved integrating traditional values and institutional approaches into park governance strategies, including reframing environmental challenges in relation to holistic “humans-in-nature” paradigms. The FNP has also achieved the establishment of diverse trust-based linkages with aboriginal organizational structures. This has led to the creation of bilateral and multi-lateral bodies which enable varied degrees of collective engagement in management and governance, going up to the establishment of the Cooperative Management Boards (CMBs).

Interviews and document analyses identified the aforesaid approaches for engaging First Nations in environmental governance. These include: integrating Nuu-chah-nulth values such as *Iisaak* (respect) and *Hishuk ish ts ’ awalk* (everything is one) into park principles and approaches (Crookes & Haugen, 2010; Murray & King, 2012); formal and informal government to government consultations and workshops with treaty and non-treaty nations on an equal basis to share views, build common understanding, trust and respect; the establishment and strengthening of individual relationships, agreements and collaborative action to address both development and conservation issues connected to park management (Crookes & Haugen, 2006; K Haugen & Crookes, 2009); and an unprecedented number of consultation meetings with the Nations to devise and create the PRNPR’s first management plan, published in 2010 (Karen Haugen, 2010).

Identified engagement approaches also include: cultural heritage preservation, interpretation and representation through specific bilateral and multi-lateral partnerships; two-way training and capacity building to improve First Nations understanding and action on scientific and other approaches to resource and environmental management and to increase staff knowledge and awareness on cultural traditions and practice (Haugen & Crookes, 2009); and pursuing employment and economic opportunities for aboriginal peoples (Haugen & Crookes, 2009). See Figure 1 for organizational and institutional developments affecting the PRNPR governance.

2.6.3 Cooperative Governance and Management

Overarching institutional processes and institutions themselves have a direct influence on the degree and nature of First Nations' involvement in environmental governance. These include treaty negotiations, where nations and the federal and provincial governments aim to collectively define degree of ownership and jurisdiction over asserted traditional First Nations territories, – and treaty agreements, which define degree of such rights and title. As asserted by HUU-ay-aht First Nation leadership:

“...That’s exactly why we have a treaty. It had to take into consideration both parties and in my view that ... you know, it is a fair structure, fair governance structure. We have what I call meaningful participation. The only unfairness that I’ve seen is that it didn’t get close to where we wanted it to be which was exclusive. I mean we can live with it. So in terms of fair, by saying yeah, we can live with this, then to me it’s fair. But if we thought it was unfair our people never would have approved the treaty... [And exclusive in terms of this is my territory and I want total self-government in this territory. In other words, I want aboriginal title... So aboriginal title is what I call lock, stock and barrel. You want everything. Exclusive jurisdiction, that’s what you’re after. And that wasn’t going to happen in any treaty and it will never happen in any treaty..] Well, we couldn’t get aboriginal title but we could get self-governance in the area here. So, in terms of that type of fairness and then they said okay, you can participate in cooperative management over here, you can have a joint management in a forest tenure over here. So, in some way we got 100 percent say in our territory and to me that’s a good place to be where you have at least a say. So, then the way I look at it is that you got exclusive jurisdiction over about 15 percent of your territory and you have joint jurisdiction about another 40 percent and then you have cooperative management in the remaining portion] ...but I

never said accept this. It was the people that said oh, we can live with that". "the whole territory is, makes us who we are in many ways".

Linkages between Parks Canada and First Nations governing structures are influenced by essential commonalities in vision and goals, but ultimately depend on the nature of institutional engagement of legitimate actors and the ways in which these engagements enable the exercising of agency at the grassroots. In the case of Huu-ay-aht First Nation, the degree and nature of engagement in decision-making constrained initial interactions.

"No. We weren't consulted...As a matter of fact, one of the things that happened was Parks Canada hired a consulting firm to do an economic study to show what benefits would be realized by Huu-ay-aht First Nation ... with the reserves within the park and as part of the tribal council we declined that study. We didn't accept it. This was unacceptable. It wasn't hitting on all the issues and that...And that's why it became park reserve. It was the Nuuchahnulth Tribal Council that forced the government of Canada to change their approach to the management of the park".

However, there was intrinsic harmony between overarching park goals and community goals, where Huu-ay-aht's symbiotic relationship with its territory, and the goals on the preservation of natural and cultural heritage it engendered, were intrinsically connected to and best pursued in concert with the park's efforts on ecological conservation.

"And we then ... Too we opposed that because we didn't feel that somebody should arbitrarily take our land away and include it within the park although we weren't opposed to the establishment of the park. We favoured the establishment of the park because it enabled the federal government to keep the land intact..."

Teaming up with park agencies would then become strategic for achieving critical community goals.

"In the early 1990s, I should say, we entered into an agreement with Parks Canada [to be] joint partner in the management of the West Coast Trail... I actually looked at it as a kind of a pre-treaty initiative and a pre-treaty initiative that enabled us to develop capacity so that we could hopefully maybe someday take over the overall management of the West Coast Trail".

This bold step to jointly look after and participate in management of parklands within traditional territory, without yet having clearly defined land ownership rights, allowed the Huu-ay-aht to increase and improve their pool of human resources, management capacity, and degree of say on the management of park lands, as well as the overall governance strategy—all of which influenced the nation’s degree of agency over its asserted traditional territory.

“We pursued cooperative management and again, you know, it was respecting and recognizing that someone else had the jurisdiction, we didn’t. And again, they weren’t prepared to negotiate losing the control or the jurisdiction, to manage say the park. So we said okay. Well, what is the next best thing to protect our interest? And like I said, our interest, you know, wanted to leave the integrity of the land the way it is. We wanted to make sure our cultural heritage resources are protected. We wanted to make sure that the reserves within the park are protected. So the way to do that is okay, let’s enter into a cooperative management as opposed to exclusive jurisdiction.”

“I think Parks Canada and Huu-ay-aht is ... They’re taking a lead. It was the lead example that allowed us to move into how we manage forestry, how we manage fishery. If we hadn’t developed that knowledge there, we wouldn’t have been able to apply that anywhere else. It was a very key element of us advancing and developing capacity to do other things”.

“...began to see some huge gaps and issues that we didn’t have control of... wanted to see us get more control of activity in our territory...And in doing that...established different things so that we can negotiate or develop the capacity to where we are now. One, we formed a treaty committee to negotiate a treaty. Secondly, we hired professional people to manage natural resources within our territory. And thirdly, we entered into negotiations with federal and provincial jurisdictions so that we can realize economic benefit for resources in our territory; accommodation, economic accommodation. And also to make sure that our cultural heritage resources weren’t impacted by development. So, we made sure that happened and through the treaty committee we also set up subcommittees. We set up a land committee and we set up a natural resource and we set up a finance committee and these were all people that had responsibilities of getting us to the point we have the capacity to manage our own affairs and to be self-governing. That was the whole goal.”

Furthermore, meaningful engagement in decision-making and management changed persistent gaps in institutional interplay and led to significant progress in

capacity building, knowledge generation and exchange and ultimately influenced the community's collective environmental stewardship and governance approaches.

“So we can have, you know, those experts with us to help us make decisions internally now and not only that Parks has always been flexible in terms of using their knowledgeable resources, their human resources that they have on staff, right, to help us out with any kind of specific projects that we're working on... We're getting there now, you know, in terms of that knowledge level with their knowledge level. [also] Because of the treaty now we have proper positions now, right, where before we never had, we never had the organization that we do now in terms of being appointed to specific resources whether it be fisheries or forestry...So we now I would say we're at a level where, whereas before it was just the chief and council, right. Now we're a governing First Nation. We have responsibilities and areas of responsibilities like fisheries manager, forestry manager so we're quite specific now within the organization's structure”.

Approaches to developing agreements and engaging in collective action are contingent upon drawing on multiple worldviews to define the nature of challenges and to design strategies. These efforts in engagement and institution-building in turn contributed not only to building synergy and strength across institutional and organizational domains, but more importantly to finding a fit between conservation strategies and the particular characteristics of social-ecological systems. Building agreement also required the development of flexibility, knowledge integration and related dimensions of adaptability at the level of institutional arrangements and interplay between park and community actors and their institutions.

“the overall park's management plan had to be reviewed and considered by each of the First Nations present within the Pacific Rim Park...So we all had a chance to review that plan and that to me was a first time I've never had ... As a matter of fact, what I do know is that plan was not tabled until the input of the First Nation reserves and as a matter of fact, I know that management plan had many revisions by First Nations and so that ... I mean to mean that was about as holistic as you can get” . “Parks has been flexible in acknowledging our traditional knowledge and our histories to the local areas. And I think that's ultimately what kind of brought us to the table at the onset was because of that reaching out and understanding that hey there's been people that have been here for a long time already and let's ask them. And that's, I guess that's probably the essence of, you know, how our relationship started...we're all on really good terms and going well, in terms of the consultation

that goes on”. “Like what the treaty says is that there’s a 15 year review process. So, in other words if the Park Side Agreement [component of the treaty agreement]...15 years from now we do an evaluation and assessment of it and find out what we can improve and you know, what isn’t working. So, I really like that 15 year process. To me that was one of the keys in the treaty, because again there’s no sense having a treaty agreement that sits on a shelf. You want it to be alive. You want it to be working. So, that 15 year review process allows us to do that because now it’s a living document”.

The ability to balance social and ecological demands and to come up with actions, unpopular in the short term, that are later recognized as wise long-term decisions has been linked to leadership (Orozco-Quintero & Davidson-Hunt, 2009) and institutional strength (Cornell & Kalt, 1992), but it is also connected to overall socio-economic status of nations to balance long-term collective goals with short-term economic gain.

“And there has been points, for example, there was a logging opportunity in...area would have been a really economic benefit to the nation but because it was interfering with the environment and our cultural integrity we said no, even though there was a really significant economic gain... that is another important principle is being able to balance, you know, the economic and the environmental integrity of the nation. And in doing that that’s when you get people more... feeling more inclusive, more willing to participate because we’re asking them, you know, should we do this or shouldn’t we do it”.

The Huu-ay-aht First Nation, who were among the first few First Nations involved in management activities within the West Coast Trail, have become the first to engage in formal collaborative management of the park (since 2008). This collaborative management entails engagement in multi-level governance of parklands within their traditional territory (Park Side Agreement) and the integration of key components of the Huu-ay-aht traditional governing system into the Cooperative Management Board. At present, this Maa-nulth treaty nation is in charge of forestry management for approximately 40% of its traditional territory and is consulted on the remaining forestry management in its territory. The nation has already established fully operational government and management approaches, after having ratified its treaty agreement in 2011. Moreover, the nation’s leadership and organizational structures have enabled the creation of a comprehensive land use plan and the establishment of intricate management

structures (Huu-ay-aht First Nations, 2014), and technical expertise to address administrative, resource and land-based challenges, but also social and ecological needs.

2.7 Discussion

2.7.1 Evolving approaches to state-managed conservation

In the changes that have taken place, from shifting regulations in the early 1970s which allowed some First Nations subsistence harvesting within park areas and began including parklands within land claims, to present day full recognition of such rights within parks reserves and the sets of organizational structures to oversee and coordinate First Nations' involvement in environmental governance, it is apparent that important institutional, organizational and policy strategies have influenced mutual respect and trust-building between parks Canada and Nuu-cha-nulth First Nations. The emergence of bodies to design and oversee systematic inclusion of indigenous peoples in park governance approaches, such as the Aboriginal Affairs Secretariat, Aboriginal Consultation Committee and the Aboriginal Working Group corroborate to federal policy trends toward more inclusive environmental conservation and to the establishment of relevant governance structures influencing multi-level decision-making.

2.7.2 Overarching architectures & agency

Overarching institutional processes that connect federal and First Nations' governing structures – such as efforts to gain Aboriginal rights and title, and local level socio-economic and cultural challenges and the institutional changes they triggered towards asserting such rights and title – have had a direct influence on First Nations participation in environmental governance, and on the emergence of governance mechanisms that couple social and ecological goals within the PRNPR. Governance theory on institutional interplay (Young, 2002) and research on indigenous governance (Cornell & Kalt, 1992) highlight the influence of local and overarching institutions in environmental governance. Not all nations have identified treaties as the way to go in asserting aboriginal rights and title and respondents from at least one of the nations engaged in treaty negotiations consider the process useless to gain such rights. However,

two of the current treaty nations connected to PRNPR describe the scope of powers vested by treaties as a critical step in addressing the nation's needs and interests. Law-making and self-jurisdiction (to be framed within provincial and federal overarching institutional frameworks), together with the freedom to govern in accordance with traditional values within treaty settlement lands, and to be consulted on developments within the wider traditional territories (See Maa-nulth Treaty Agreement for details) have been considered important pre-conditions to incrementally gaining governing control over resources and territories linked to cultural, social and economic history. Moreover, comments from treaty nation respondents suggest that it will be important to have flexibility on the degree of control to be exercised over traditional territories (aboriginal title vs treaty settlement lands) and/or on framing nations' overarching goals in relation to country-wide encompassing institutional frameworks (such as the constitution and, for example, the limits it imposes over states or political entities such as nations) as central to navigating the official system in order to achieve collective goals. Such insights further suggest that adaptability within local governing frameworks is increasing, enabling nations to take advantage of specific windows of opportunity within legal frameworks.

2.7.3 Institutional fit and interplay & the exercising of agency

The intricate nature of traditional governing systems and their potential mismatch with modern environmental governance approaches and goals are central concerns in multi-level environmental governance (Young, 2002). Interactions within the first operational Cooperative Management Board, however, call into question the emphasis on a pre-existent dichotomy between park and FNs mandates and overarching goals (Hanna, Clark, & Slocombe, 2008; Murray & King, 2012), which are being integrated through the dual goal to preserve-restore cultural and ecological integrity (seen by FNs leaders as parts of the same goal) as clearly stated in the Park Management Plan. Moreover, zoning strategies, harvesting quotas and other components of planning and management have directly come to acknowledge and address both the importance of traditional “man-in-nature” paradigms and more science-based “no-use-zones” to achieve the preservation of culture, ecosystems and species. Whereas recent research directly points to critical differences in “concepts, processes and structures” between the Tla-o-qui-aht land use

system, which includes the PRNPR Long Beach unit, and the PRNPR system (see Murray and King, 2012) and a mismatch between park governing systems and traditional governing systems, neither make any affirmation of irreconcilability in differences. Moreover, there is agreement about the impossibility of assessing the PRNPR CMBs model at such an early stage of implementation. Nevertheless, the Huu-ay-aht First Nation has succeeded in engaging that segment of its traditional leadership, which oversees the protection of land and resources, in the decision-making and approach designs that must necessarily be undertaken by their CMB. The interview data, moreover, suggests that establishing linkages among goals and finding fundamental commonalities is largely dependent on FNs leaders' and park agency representatives' abilities to adapt their approaches, re-assess their discourses, and identify commonalities in principles and goals, enabling different procedures to be translated into effective collective action. Remarkably, there doesn't seem to be serious compromise on core traditional goals and values; rather, what seems to be changing/evolving are the means to enable the implementation of those traditional worldviews, including the ways of caring for the traditional social-ecological landscape, and the way of exercising agency.

Early analysis of the Nuu-cha-nulth engagement in the PRNPR governance showed no meaningful connection between park agencies and Nuu-cha-nulth First Nations (Berg, 1990), attributed to the time of formation of the park, which preceded important court rulings and constitutional changes (Berg, Fenge, & Dearden, 1993). Whether pushed forward as a consequence of the implementation/use of specific mechanisms, such as court case rulings or civil disobedience, or emerging from direct institutional changes, like amendments to the Constitution, the PRNPR First Nations Program currently has a direct mandate to work towards cooperative management with all concerned nations, and has developed a variety of approaches for pursuing this mandate:

- 1 sets of institutional arrangements: clusters of rights and roles in park management strategies, terms of engagement enabling multi-level governance independent of a nations' treaty status;

- 2 policy instruments: such as regulatory measures to allow resource use while enabling conservation, knowledge co-production and exchange to strengthen fit between ecological challenges and governing systems;
- 3 diversity of socio-economic partnerships: to facilitate capacity building, stewardship, and ultimately environmental conservation; and
- 4 specific organizational structures to directly address community engagement in park management and governance.

This variety of mechanisms to engage First Nations in management attests to the inclusive nature of park-initiated interactions and relationships that have been and will continue to have their effectiveness tested for integrating multiple views and approaches to generating and achieving collectively agreed-upon goals.

2.7.4 Adaptability and the sharing of power and revenues

The extent to which PRNPR Cooperative Management Boards devolve decision-making power to nations has been a central concern, with research reaffirming the dominance of higher level players over local ones (Murray & King, 2012) as attested by the Park Management Plan which directly indicates that final decisions rest with the Park Superintendent. Whereas full participation in the cooperative management model promoted by PRNPR is seen as a way of relinquishing rights for some leaders, for others leaders it has been considered an opportunity in that they believe coming to agreement and beginning cooperative management as an important step toward eventually achieving self-governance and community goals. Whether devolution of power or equal co-management arrangements are the ultimate goal of Parks Canada or not, the PRNPR set of strategies are already contributing to the release of local governing bodies and institutions potential to address holistic community goals and to build capacity to engage in environmental governance – a capacity directly linked to the sustainability and health of FNs communities and territories.

As described in the literature review, research on adaptive capacity (Gupta et al., 2010) has identified a number of dimensions that are critical, many of which are

supported by this research. Participants' comments and the analysis of institutional and organizational trends within Parks Canada and the PRNPR highlight the existence of specific elements influencing the potential of environmental governance processes, and their ability to contribute to long-term social and ecological sustainability. These elements are: comprehensive frameworks, emerging from inclusive decision-making processes as emphasized in the development of the first park management plan, the multiplicity of arrangements and strategies established with nations on a bilateral basis, and the integration of traditional and park approaches in the CMB mode of governance; trust, as pursued through numerous bilateral and multi-lateral interactions seeking to gather input and build consensus on critical aspects of planning and management; and collectively generating knowledge and applying new learning, which are considered a mutually inclusive processes in addressing ecological challenges at the Cooperative Management Boards level, but also within a nation's governance system. Institutional frameworks connected to social frameworks for addressing essential aspects of fairness in environmental governance are another element of increasing a governing systems' capacity to address sustainability. Moreover, leadership is another critical dimension, as demonstrated by the aboriginal leaders' ability to adapt to overarching institutional frameworks without abandoning essential collective principles and goals, and agency representative's ability to adjust approaches in order to address prevalent cycles of exclusion and inequity are visible within both park and aboriginal governance processes. Last but not least, there is versatility, as applied through customized and flexible decision-making frameworks, which increases the system's ability to build capacity of actors at multiple-levels and to collectively address new challenges.

The analysis presented here is mainly restricted to key components of governance systems and their qualitative nature; no attempt has been made to measure the economic benefits of multi-level environmental governance. Therefore, tangible economic change brought about through the nations' engagement in the Cooperative Management Model, which does not include provisions on sharing park revenues with partner nations as of now (Park Side Agreement) will require further research to be assessed. PRNPR policies towards pursuing contractual and other economic partnerships and employment opportunities for First Nations may, however, provide alternatives to the 'cash revenue

model' by strengthening First Nations' approaches to management, and degree of control, overall jurisdiction and expertise on ecological processes in parklands inextricably connected to traditional territories.

2.8 Conclusions

This chapter provided insights on how the collaborative management of protected areas influences institutional adaptive capacity and environmental sustainability. By making distinctions between *institutions* as sets of rules and procedures, *organizations* as the structures that enable the design and implementation of such rules and decision-making, and between *management* (set of strategies) and *governance* (social structures that allow strategies to be designed and applied), it elaborates on various organizational and institutional strategies enabling multi-level governance of the Pacific Rim National Park Reserve. Guided by governance theory, but also taking into consideration findings on adaptive capacity and prevalent challenges in environmental governance generally and protected area systems in particular, park strategies are examined in relation to their capacity to adapt in order to address long-term social and ecological sustainability. It is suggested that the adaptive capacity of environmental institutions can be assessed by examining how they enable the involvement of legitimate actors and the integration of diverse approaches into effective collective action incorporating social and ecological goals.

The analysis of governance processes in the Pacific Rim National Park Reserve points to specific organizational structures, such as federal level multi-stakeholder bodies, but also federal and park level policies and institutions, such as the Park Side Agreement and the First Nations Program, that can influence and facilitate collective design and engagement in park governance. These organizational structures, policies and institutions must also be supported by a set of decision-making procedures (institutional arrangements and interplay) adapted to the nations' particular conditions and degree of assertion of collective rights. Interplay influencing adaptive capacity at the level of institutions impacts not only the strength of multi-stakeholder interactions, but also enables building capacity at various levels, improving local governance strategies, and contributing to the synergy between local governance processes (including institutional

design) and larger institutional frameworks. The PRNPR First Nation Program (FNP) has assisted and allowed multiple degrees of engagement of First Nations in park planning and management. These vertical interactions (interplay) range from sharing information and connecting through one-off programs to full engagement in cooperative governance and management.

The Pacific Rim National Park Reserve governance and management interactions with four Nuu-cha-nulth First Nations suggest that even under conditions of unequal distribution of power, as is often the case in multi-level governance of protected areas established by the state, First Nations and agencies' organizational interactions can still contribute to the establishment of comprehensive institutional and organizational structures, which enable collective environmental action and the achievement of multiple and multi-level goals. Moreover, the study points to the impacts emerging from institutional embeddedness were inter alia, encompassing socio-economic frameworks, constraining institutional processes – such as treaty negotiations, as well as the status-quo among First Nations communities, can either undermine First Nations' ability to pursue collective goals or provide the collective impetus and institutional strength necessary to re-assess approaches, adapt strategies and address community priorities. This depends on local and collective leadership ability to identify important partnerships, take advantage of windows of opportunity within legal and policy frameworks, and influence encompassing governance strategies.

Furthermore, there are important institutional and structural dimensions such as comprehensiveness, inclusivity, co-production and application of knowledge, fairness, trust, leadership, and versatility that directly influence the degree of success of environmental regimes. In particular, adaptability at the level of institutions has impacted on institutional fit, where park and community actors help in the design of conservation institutions, and has enabled necessary cross-level interplay that consequently influences collective and multi-level action to address conservation and the strengthened agency at the grassroots. Even more important, however, is how interplay and fit have ultimately influenced changes in the approaches of apparently competing actors and enabled them to find agreement and act collectively to integrate social with environmental goals in

conservation efforts. In this way, they are challenging the global conservation paradigm that makes stark separations between people and nature.

Nuu-cha-nulth First Nations connected to the park have demonstrated leadership and the ability to engage in multi-level governance through the progressive development of intricate governance structures, comprehensive land and resource use plans and sound conservation and development approaches. These governance structures and approaches must be integrated into or supplement federal protected management strategies, which are focused, in their entirety, on fragmented pieces of the larger social-ecological landscape. Threats posed by current unsustainable resource exploitation policies, the impact caused by previous natural resource strategies amounting to mining, the prominence of degradation of terrestrial, riverine and marine ecosystems, and the social and economic status of numerous aboriginal communities on Vancouver Island, will require integrated approaches designed and implemented through multi-level governance rather than scattered and disconnected efforts on the part of First Nations and concerned environmental agencies.

The First Nations Program and its diverse governance mechanisms and cooperative management model have already demonstrated, even at this early stage, that such integration of diverse stakeholders, values and approaches to environmental governance is possible. More significant – given Canada's power-limiting and all-encompassing institutional framework and constraining federal interests – is that institutional arrangements enabling such integration are already in place and are enabling the emergence of more comprehensive approaches to conservation. These approaches give tacit recognition to the essential interconnectedness among social and ecological components of landscapes and emphasize the need to deal with the interdependence of these components in order to achieve more sustainable approaches to protected area governance.

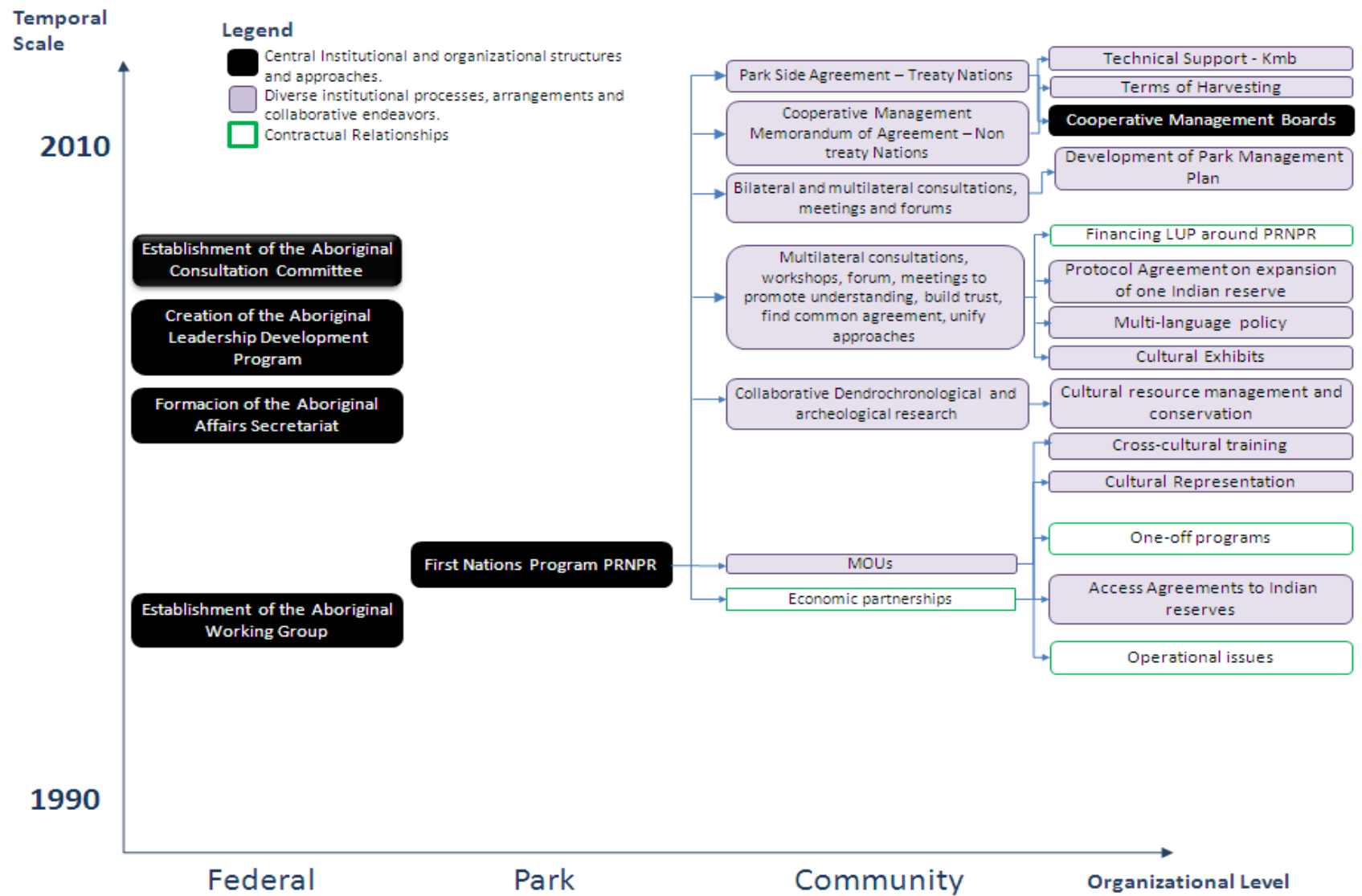


Figure 2-1. Parks Canada and PRNPR organizational and institutional developments influencing park governance.

Chapter 3: Agency and Interplay in the Saadani Landscape: Assessing the Potential for Multi-level Governance in State-managed Conservation

3.1 Abstract

In the last century, protected areas have become the central and most widespread approach to the protection of biodiversity. Proclaimed as the “most successful conservation strategy,” protected areas have initiated a breakthrough in conservation practice. Worldwide commitments have been made to increase the extent and coverage of PAs to 17% of the earth’s surface by 2020, and unprecedented efforts to support state-based conservation have emerged. Despite their place as strategic components of environmental regimes and their importance in developing capacity to adapt to change, PAs have so far had mixed success in achieving both ecological and social goals. While past and present research points to issues of management and governance as critical for PA success, little is known on how actual conservation institutions and organizational structures work to the detriment of those ecological communities they were created to protect. To address this gap, the chapter presents empirical data on Saadani National Park in Tanzania and adjacent communities in order to analyze agency at the grassroots, its spatial and institutional configurations, and function and influence in conservation in the Saadani landscape.

The findings illustrate how the level of environmental awareness in communities before the establishment of the park was high and contributed to its establishment. However, official land use and conservation decisions since the establishment of the park and the institutional and spatial arrangements and entitlements have left communities excluded from park level conservation processes, despite the existence of a national policy framework on community engagement in park planning and management. This research illustrates the considerable degree of grassroots spatial and institutional development – often assumed to be absent in resource-scarce and economically isolated communities – that can mitigate and prevent ecological degradation and is essential for sustainable conservation. On the whole, the findings contest preconceived and upwardly spread ideas of a lack of community capacity and interest in conservation. This chapter argues that despite

widespread one-time development funding and a focus on prosecution and law enforcement, it is meaningful institutional engagement (enabling communal agency) and institutional fit (matching of conservation institutions to the characteristics of social-ecological communities) which can enable communities to benefit from and support state-based conservation, and enable the park to achieve its primary goals.

3.2 Introduction

As human actions and climate change threaten the survival of the world's ecosystems and species (Change, 2007; WWF, 2014b), protected areas have become a significant strategy for confronting these threats (Juffe-Bignoli et al., 2014; Kramer, Schaik, & Johnson, 1997; Venter et al., 2014). Under the rationale that reducing disturbance to its minimum can make wildlife populations and ecosystems thrive (Mora & Sale, 2011), setting areas aside has become the dominant approach to biodiversity conservation in the last century (Venter et al., 2014; Watson et al., 2014). However, the processes through which PAs have become dominant, as well as the dominant approaches to their governance and management, are being called into question (Barrett et al., 2001; Brandon et al., 1998; Duffy, 2006; Hoole & Berkes, 2010). Mixed success in conservation and persistent social challenges have positioned governance at the center of current debates in conservation (Borrini-Feyerabend, Pimbert, Farvar, Kothari, & Renard, 2004; Dudley et al., 1999; Jentoft et al., 2007).

Numerous and vast, biologically diverse areas, once under the management of grassroots actors, have been stripped of cultural diversity and are now controlled by high level actors, as part of the global push to increase the extent and coverage of PAs (Brockington & Igoe, 2006; Dowie, 2011; Juffe-Bignoli et al., 2014). Spatial reorganization and overlapping land and resource use and management processes emerging from, or connected to, protected areas implementation and management have not only affected grassroots spatiality and institutional approaches (to land tenure and resource use)(Benjaminsen et al., 2013; Brockington et al., 2008; Goldman, 2006; Hoole & Berkes, 2010), but often also have precluded the ability of state approaches to satisfy the demands of wildlife and human communities they are set to control.

To address this concern, this chapter explores the intrinsic and interdependent relationship between conservation institutions and grassroots agency in achieving

biodiversity conservation. I draw on conceptual premises from environmental governance literature on institutions, agency and interplay (Young et al., 2008) to identify if and how agency manifests through specific grassroots approaches to conservation, and the means through which PA governance and management can weaken grassroots conservation and the wildlife and ecosystems they were created to protect.

The analysis presented in the chapter is based on empirical spatial and qualitative findings on Saadani National Park (SNP), the newest and only coastal protected area in Tanzania (Map 7) and 13 of its adjacent villages. SNP has unique ecological features (Bloesch & Klötzli, 2005) and is situated in a country with 32% of its total surface area under some protection (WDPA, 2012). While conservation in Tanzania has been favoured and systematically promoted by state agencies since colonial times (Goldstein, 2004), top-down approaches have engendered conflicts between local communities and state agencies, and have failed to channel conservation benefits to communities affected by or connected to national parks (Brockington et al., 2006; Goldman, 2006; Neumann, 1998).

The chapter starts with a review of critical concepts and processes characterizing environmental governance, including institutions, interplay and agency. This is followed by the case study background and the methods sections. The findings section describes the social-institutional and spatial organization that characterizes the Saadani landscape, in order to illustrate grassroots agency. This section also provides analysis of the park's approaches to interacting with communities, and community responses to the nature of interplay. Lastly, the discussion and conclusions sections elaborate on the degree of agency at the grassroots and how park-community interplay addresses, or fails to address, the needs of the human and ecological communities that inhabit the landscape and the conservation goals for which the park was created.

3.3 Environmental Governance

The growing focus on establishing PAs is attributed largely to accumulated findings on the success of PAs in increasing the richness and abundance of species and ecosystems (Coetzee, Gaston, & Chown, 2014; Gaston, Jackson, Cantú-Salazar, & Cruz-Piñón, 2008). Like never before, a global consensus has set 13% of the earth's surface under protected status, with this commitment set to reach 20% by 2020

(Venter 2014, IUCN 2014). Equally significant is how the general trend in global agendas and conservation efforts has been to establish state-managed and stricter forms of conservation, such as national parks and/or nature/game reserves (Juffe-Bignoli et al., 2014).

Yet conservation success has not always been the norm across protected landscapes (Mora & Sale, 2011). Disparities in conservation success can be attributed to multiple variables, including climatic, ecological and socio-economic circumstances (Venter et al., 2014; Watson et al., 2014; James Wilson, 2002). However, accumulated research suggests a principal obstacle in conservation success refers to approaches to conservation itself (Barrett et al., 2001; Brandon et al., 1998; Brockington et al., 2006). In strict forms of conservation, characterized by state control, PAs are designed to reduce human disturbance to a minimum, as this is thought to achieve better results in protecting biodiversity. However, this approach to conservation has been called into question because of the impacts it has had on communities, whose lands have long fostered cultural and biological biodiversity, and on the wildlife PAs are intended to protect (Benjaminsen & Bryceson, 2012; Benjaminsen et al., 2013; Brockington, 1999).

Understanding how this approach actually hinders conservation requires an examination of the institutional settings through which states and/or community become central actors and implement specific agendas. *Institutions* are critical components of governance systems that comprise the sets of binding rules, rights and normative procedures that frame collective decisions and actions, determine actors and steer their interaction (Young, 1999). Institutions at every level of social organization are in constant tension and interactions with other institutions at higher and lower levels (Underdal, 2008). *Interplay* – the direct linkages between institutions – can emerge from overlap when institutions have the same or connected targets or embeddedness, such that one is confined within the parameters of another (Gehring & Oberthür, 2008). Linkages can also be indirect when seemingly unrelated institutions/structures affect the operation and performance of other actors and their institution. In addition, interplay between and across levels can be both disruptive or synergistic (Gehring & Oberthür, 2008). Interplay among various levels of social organization can be effective at prescribing rights and responsibilities and at operationalizing approaches or lead to detrimental social and environmental outcomes

(Young et al., 2008; Young, 1999b, 2006). This critical role of institution and interplay in the emergence of specific outcomes is well recognized (Gehring & Oberthür, 2008) & (Young, 1999b, 2002b), yet having conservation institutions adapted to the specific needs and demands of the social-ecological systems for which biodiverse landscapes have become conservation targets has been challenging in state-based conservation.

Of particular relevance for environmental conservation is the way conservation institutions impact on agency and particularly grassroots agency. For landscapes where cultural diversity has been a main driver in the preservation of biological diversity this can be very problematic. Yet, strict conservation institutions continue to be implemented and to decrease the powers long exercised by grassroots actors in environmental stewardship (Brockington et al., 2006; Chapin, 2004; Dowie, 2011).

The nature and magnitude of current environmental problems surpasses the capacity of any single actor to successfully achieve efficiency and effectiveness in conservation efforts. Therefore, achieving success is ultimately dependent upon concerted, multi-level collective action. How decisions are made and how they enable synergistic interplay across levels is important to achieve success and sustainability in conservation (F Biermann, 2008). Whenever an actor is able to participate in institutional design (the making of laws and regulations related to land use and access, for example), he or she can be considered an actor with authority, or an agent (Biermann et al, 2009). Having actors able to exercise authority through concerted multi-level action and to influence the design of environmental institutions is dependent upon the way agency is configured and enabled through environmental policy and institutions (Dellas et al., 2011). This relevant issue is the theme addressed in this chapter. The chapter examines agency at the grassroots, and how conservation governance and cross-level interplay impact the agency of ancestral communities, whose interconnectedness with natural ecosystems enable both the persistence of wildlife and the protection of critical ecosystems.

3.4 Case Study Background

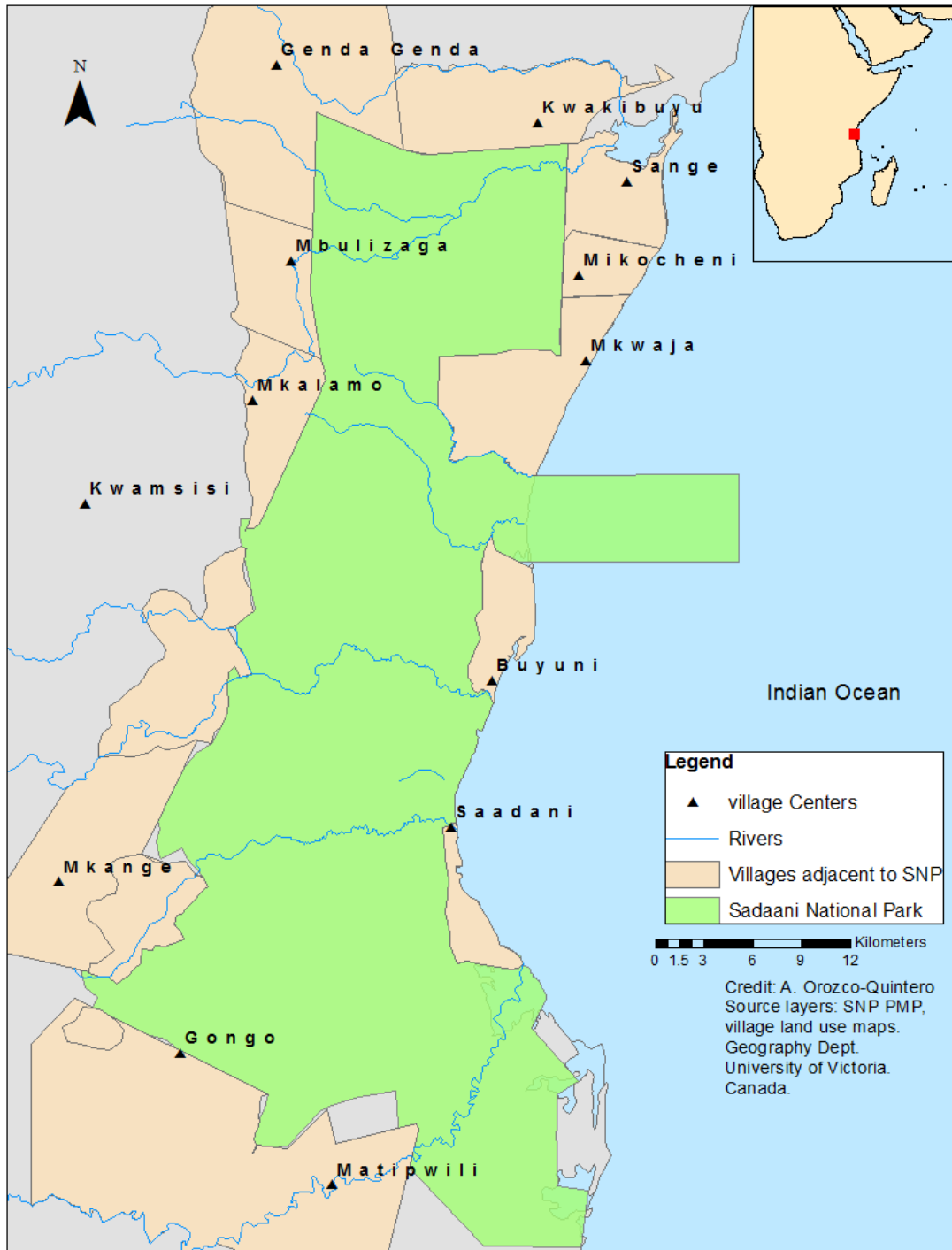
3.4.1 Tanzania's National Parks

Originally mandated to preserve the country's natural and cultural wealth, TANAPA's role in conservation has evolved to acknowledge and address social needs within and around protected landscapes. TANAPA's early experimental efforts in community outreach, date back to 1988, and have evolved to its national outreach policy and strategic action framework: Community Conservation Services (CCS) (Tanzania National Parks, 2005). Salient goals of TANAPA's CCS policy on awareness, collaboration and multi-level interactions include achieving between 50% and 80% engagement of communities adjacent to parks in mutually beneficial conservation and resources management activities, including having 25% of adjacent communities with functional land use plans (LUPs). In addition, the policy includes, among others provisions, to: support community-based (C-B) projects; train and build capacity of staff and community-based conservation organizations; promote local institutional development and interactions; and curb poaching and park-people conflicts. These policy provisions are to be connected to and supported by multi-level training, harmonisation between park resource use and conservation laws, and through local and higher level legislative frameworks, using the avenues of research-based programming and by the promotion of alternative sources of income and other critical park-initiated processes (Tanzania National Parks, 2005).

3.4.2 Saadani National Park

Saadani National Park was proposed around 1998 and officially established in late 2005. Early landscape level wildlife management strategies predating the park include the Saadani Game Reserve (SGR) (200 km²), which was officially established in 1966 after consultations with adjacent villages (Baldus et al., 2001), and the former Mkwaja Ranch, which approximately comprised the northern half portion of SNP. The ranch was a cattle raising business established in 1954 by the Swiss Company Amboni Ltd. within a biologically and ecologically diverse landscape (Treydte et al., 2005). It was considered an economic investment initiative, where villages in consultation with district and higher level authorities set aside land for economic development and labour opportunities. Other areas later included as part of

Saadani National Park are said to have been offered by or negotiated with communities aware of the importance of conservation. Overall, the Saadani landscape has long been considered of critical importance for ecological conservation (Baldus et al., 2001).



Map 3-1. Saadani National Park and adjacent villages that were involved in the research.

Similar to TANAPA's outreach policy, but without quantitative targets, SNP's Community Conservation Services policy aims to achieve many of TANAPA's goals, with the exception of reviewing/harmonizing village-park level regulations and pursuing research-based programming (Tanzania National Parks Authority, 2009). SNP's organizational structure includes departments in security and ecology, community outreach wardens and a chief park warden. Actors in these positions are directed to work in collaboration on various responsibilities, including to achieve park goals, to enforce restrictions on resource use, poaching, grazing and other illegal activities within the park, and to seek penalties, in coordination with law enforcement authorities and the judiciary system, for those considered illegally present within or crossing park boundaries (Tanzania National Parks Authority, 2009).

3.4.3 Saadani Villages

Saadani National Park is located within the Districts of Pangani and Handeni (Tanga) and Bagamoyo (Pwani) and surrounded by 17 villages, all of which have functioning governing structures. Adjacent villages have diverse connections to the park lands, ranging from historic cultural practice and community settlements (sub-village lands, traditional and cultural practice, including sacred areas), to present-day socio-economic activities including marine and terrestrial trade, pastoralism, fishing and other livelihood activities. The degree of social and institutional organization present in Tanzanian villages, described in the findings section below, has been directly influenced by institutions on collective decision-making and decentralization, introduced by early post-colonial administrations (Maro, 1990). These efforts to redesign local decision-making were later consolidated through the Local Government Act of (1982), which further reformed various grassroots institutional and organizational processes and structures (Semboja & Therkildsen, 1994). Local governance legislation in Tanzania has replaced individual leadership structures, which characterize so many African countries, for democratic structures that account for all village membership through three main decision-making levels at the grassroots.

3.5 Data and Methods

Research data were collected during a 16 month period between 2012 and 2013 in 13 of the 17 villages adjacent to Saadani National Park (SNP). Map 7 shows a map of SNP and villages participating in the research. Qualitative methods to gather data on institutional processes in the area included in-depth interviews with village elected leaders and government staff (Chairpersons and Village Executive Officers) from 13 of the 17 villages; focus groups and group interviews with village elected decision-making bodies (Village Councils) of 11 of the 13 participating villages; appointed Development and Environment Committees from three villages adjacent to SNP; key informant interviews with village members, district and regional government personnel from Tanga, Dar, and Handeni, Pangani, and Bagamoyo districts; and individual interviews with Saadani's park wardens for resource protection, community outreach, ecology and administrative staff. In sum, data for this chapter comes from individual and group interactions with 217 participants. Primary spatial data gathered includes GPS points and transects on territorial arrangements, settlements, and areas of concern and interest, among others.

Before and during the gathering of primary data, published and unpublished documents were identified, regarding PA creation, management and grassroots social and environmental organization. Moreover, document analysis involved the gathering and digitizing spatial data from villages, including village land use and data on the park's area and boundaries, land-use and resources classifications, and spatial and institutional connections between the park and surrounding villages. Consequently, the data presented in this chapter come primarily from empirical research, but is enriched by secondary sources. In summary, the methods employed to gather the findings included semi-structured key informant in-depth individual and group interviews, focus groups, GIS and document analysis. The data were analyzed using excel, Nvivo and ArcGIS.

3.6 Findings and Analysis

3.6.1 Institutional Arrangements and Governance in Saadani

As revealed by empirical data and secondary sources, Saadani villages' level of awareness of environmental conservation both led to and was enhanced by the

establishment of Saadani Game Reserve. Early requests by Saandi villages to the Wildlife Division (WD), for support to stop the indiscriminate killing of wildlife by foreigners, led to verbal and later official agreements where a substantial portion of village lands were offered for the reserve and some locals became employed as wardens. Other benefits of the partnership included regular multi-stakeholder consultations for collective decision-making, wildlife management training, awareness raising and the establishment of ecotourism ventures. Successes in collaborative conservation between Saadani and WD, and the many promises by TANAPA on engagement and conservation benefits, have gradually influenced the addition of new lands and aquatic sections. These new protected sections reside on the former community territories of Mkange, Matipwili, Saadani, Buyuni, Mkwaja and Kwamsisi villages.

At the village level, findings regarding institutional and organizational elements and processes reveal that a high level of organization was established through the full implementation of the Local Government Act, implemented across Tanzania. In the 13 villages involved in this research, village organization has not been hindered by soaring unemployment, or inadequate or insufficient equipment and/or facilities for agriculture, forestry, fisheries and other income generating activities, which comprise the livelihood of the majority of the rural population. The institutional strength of the villages is more widely apparent through the depth and intensity of activity of decision-making bodies, the design and application of village by-laws, and the existence and implementation of management plans, community action plans and decision-making procedures.

All the villages have a significant percentage of participation in elected decision-making bodies, with many attaining over 50% participation in village council meetings. Moreover, multiple field visits provided extensive details on the nature of engagement of village members and their leaders in matters of collective concern. In villages adjacent to the SNP, grassroots level governance shows a focus on function rather than on form. Unable or uninterested to influence or modify top-down legislated local government organizational structures, Saadani villages have centered their attention on their ability to influence institutional processes and spatial arrangements. Figure 3-1 presents important institutional, development and park-village governance characteristics, including the scope of institutional activity and

interplay (visible in all villages), and the prevalence of challenges with park approaches and actors (significant for all villages).

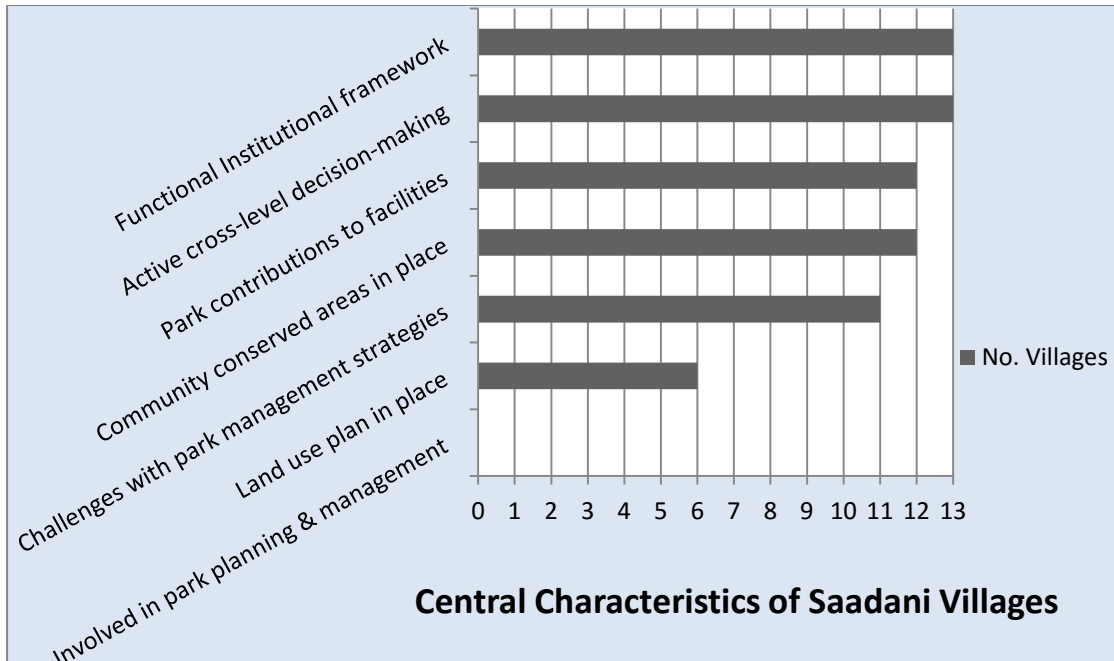


Figure 3-1. Key organizational and institutional characteristics of the villages involved in the research. (Source: docs & interviews).

Empirical data highlights how governance assertions and actions are most apparent through: a) the percentage of participation in collective decision-making processes; b) the de-facto removal of unrepresentative or corrupt leadership regardless of the feasibility of calling to new elections; c) the operational strategies of official village committees to respond to social, economic or environmental challenges and to create mechanisms for the application of village by-laws; d) the adoption of measures to address accountability and transparency in institutional and financial processes, including written public posts on village funds, accounts and decision-making outputs (Figure 3-2 shows a public post on account balances and monthly expenditure in Mkalamo village); e) the degree of individual and collective volunteerism, and cash and in-kind donations towards building essential health, education and other development facilities (evidenced in all village centers); and f) through the design and adoption of unique educational and resource management approaches such as “land and timber quotas” to support agriculture, address deforestation, poverty, population

growth and youth unemployment. Multi-level advocacy and decision-making, with authorities at the ward, district and regional levels is yet another grassroots institutional strategy. In this form of advocacy, engagement with higher levels has been employed as a means of addressing development needs, unilateral decision-making, unsolved land

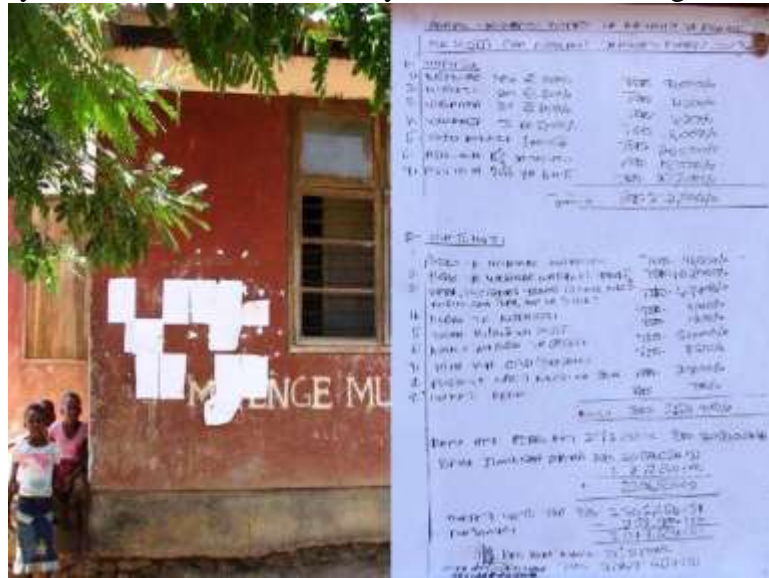


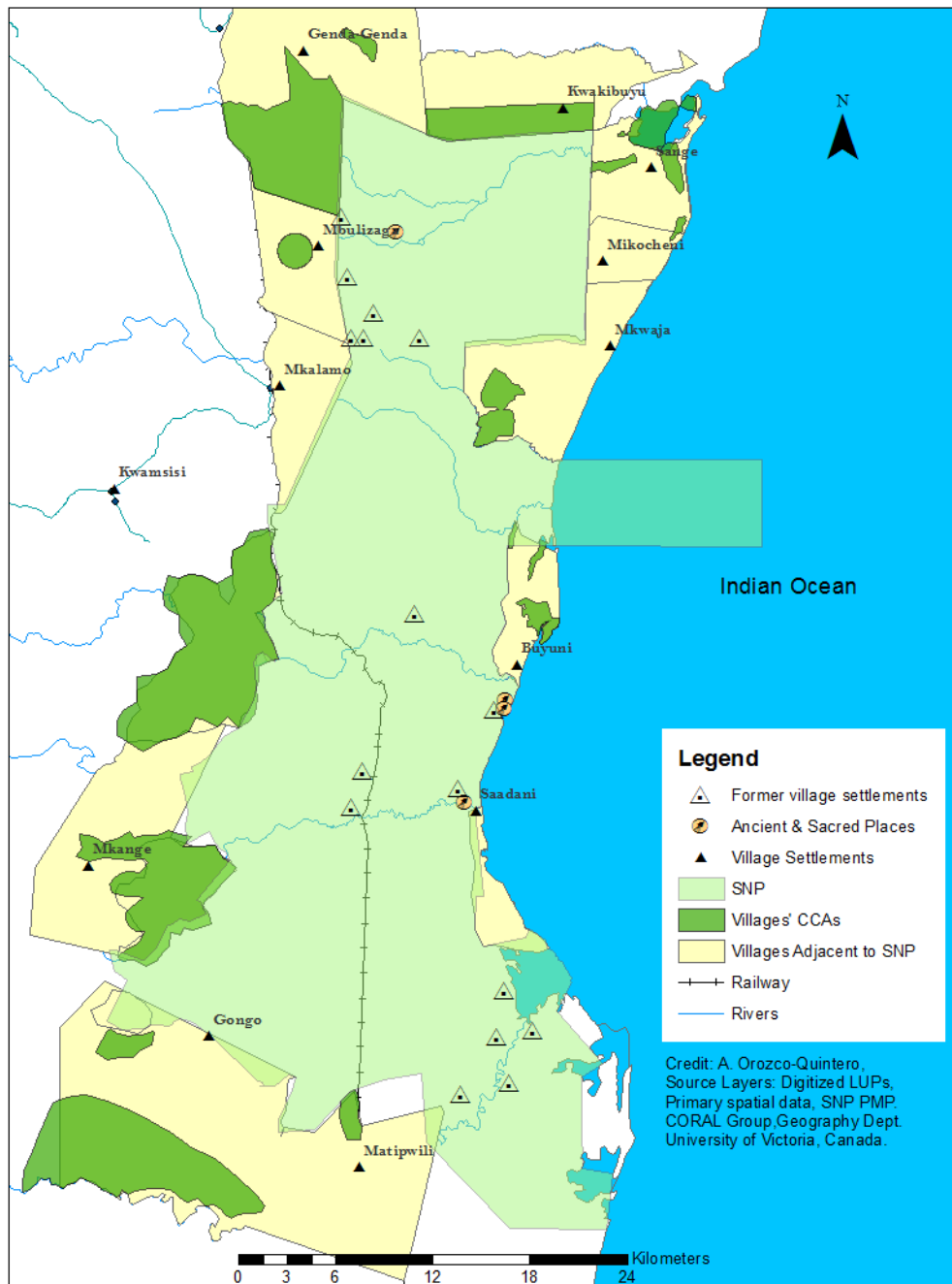
Figure 3-2. Public posts on accounts and decisions at Mkalamo village.

claims and other TANAPA-villages interactions challenges since before the establishment of the park.

3.6.2 Spatial Arrangements in the Saadani Landscape

Grassroots responsiveness and action in social and environmental stewardship is also visible in the spatial organization of the villages. In addition to the “land and timber quotas” approach to address poverty, unemployment, and human resource development, village level authorities have established specific community conserved areas (CCAs), which include no-use, set aside and special management zones where conservation objectives take precedence. No-use zones registered at the district level and through land use plans account for more than 18,000 ha, which is equivalent to 20% of the area that comprises SNP (Kashaigili et al., 2011; WWF, 2014a), while no less than 12 adjacent villages have lands in at least one of the three categories. The critical importance of CCAs for addressing ecological connectivity has been identified, and CCAs are often linked, by park authorities, to poaching activity. In this regard, there has been a seven fold increase in poaching activity between 2005 to 2011, where in 2005 there were 32 reported offences while in 2011 the number of cases was of 224 (Saadani National Park, 2013). Map 3-2 represents the no-use, set aside and special management zones adjacent to the park, but also former and current

settlements and culturally significant places, which demonstrate ancestral village-parklands connections.



Map 3-2. Community-based no use, set aside and special management zones where conservation objectives take precedence. Source: District Natural resources Offices, World Wildlife Fund (WWF) reports, village lands use plans and primary field data.

3.6.3 Multi-level Institutional Interplay and Benefit Sharing

Interplay

Of the 13 villages involved in the research no less than 10 face persistent spatial and institutional issues with the park (an issue expanded upon in Chapter 4), which affect assertions and actions on communal territories by village bodies, and their social and ecological approaches to resource use and development. In Saadani, park staff under the Community Outreach Department are considered, by other wardens, as the promoters and facilitators of park-village interactions. However, there is only one staff person in the community outreach department, while there are 51 staff employed in resource protection, who are most widely present in and around parklands. Broadly, central challenges in cross-level institutional interplay include: a) institutional mismatches between park laws and village by-laws and between park approaches to resource protection and villager connections to former community territories; b) conflicts around parkland and boundaries and the contentious nature of spatial entitlements and arrangements to exercise territorial control in the name of the state; c) unilateral planning and decision-making and institutional isolation, where village bodies were not involved in the development of the 2010-2020 Saadani Park Management Plan (which is not available in the official language: Swahili), nor made aware of poaching and other park concerns connected to adjacent territories or informed on warden intrusions into village territories; and d) scarce and ineffective outreach approaches focused on showing videos with no engagement of other stakeholders. On the other hand, SNP is said to have undergone a three-year community engagement process (Bagamoyo District, 2002) to avoid potential conflicts with adjacent communities.

Benefit Sharing

SNP's increasing popularity has led to a steady rise in park visitors and revenues, escalating from under 2000 visitors in 2003, while SNP was still a game reserve, to more than 10,000 visitors in 2012 (Saadani National park, 2012). Rising revenues prompted investment in adjacent villages, most of which have received a percentage of in-kind and/or in-cash contributions for development from park funds. In this regard, park investments in development and benefit sharing, which are

mandated to be at least 7% of revenues, were exceeded for the 2010-2011 period. In this period, 36% of the parks total income (TZSh 92,285,155 of 258,465,304 million) was spent on facilities around the park, despite a proposed budget of 1.8 billion (Saadani National Park, 2012; Saadani National park, 2012).

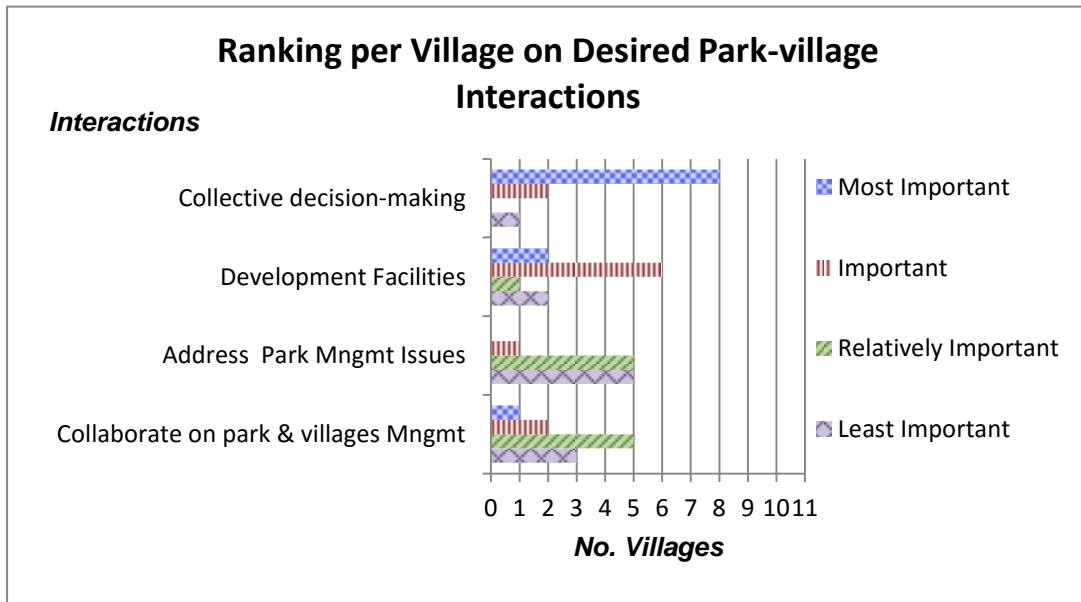


Figure 3-3. Ranking per Village Council on types of park-village interactions, from most to least important. (Source: focus groups)

Contributions from focus groups with 11 village councils illustrate the types of interactions with the park and nature of engagement desired for cooperatively addressing park and community goals. Village councils ranked four park-village interactions according to their level of importance (Figure 4). These interactions are: a) one-time development facilities; b) park managers addressing various park issues (wildlife migration to community areas, crop raiding, etc.); c) collaborative management on park and village needs; and d) collective decision-making on park and village goals. Eight councils ranked collective decision-making as the most important, while only one council considered collective decision-making as the least important. One time development interventions and collaborative management were selected by two and one villages respectively as the most important types of interventions.

3.7 Discussion

This chapter's findings highlight significant knowledge gaps and the pressing need for further research on cross-scale conservation and development alternatives in the Saadani landscape. Nevertheless, data on the nature of spatial and institutional interplay suggests that there is a considerable degree of environmental awareness, at the grassroots level, on the importance and benefits of resource management and conservation. Moreover, the data provide insights about the scale and significance of community assertions and defined lines of action in terms of social, spatial and institutional organization to address various social, economic and ecological concerns. Despite the scope of Tanzania's socio-economic struggles, which are most significant in the rural areas where poverty levels are close to 40% of the 33 million rural Tanzanians (International Fund for Agricultural Development (IFAD), 2011), data presented here on Saadani shows there is progress among Saadani villages regarding degree of leadership, social action, collective decision-making and spatial planning for conservation and development.

The empirical findings suggest that widespread community engagement efforts, which preceded the establishment of the park, have influenced grassroots awareness and action. However, post-park establishment efforts have been reduced to funding isolated, one-time development facilities, while poor relations with adjacent communities, a heavy investment in security and a focus on prosecution and law enforcement have become the trend since. In this regard, the significant difference between the number of staff in community outreach and the number of staff in resource protection/security, combined with the identified lack of intra-agency collaboration, alludes to fundamental organizational gaps and provides some explanation for the steady rise in poaching and persistent institutional isolations which are affecting multi-level cooperation.

As such, current park institutions (rules) and approaches (including security and development strategies) have been inadequate and are rather inappropriate for tackling key areas of the park's outreach policy and various park management concerns. These concerns include: the steady increase in poaching activity; the protection of wildlife corridors; the resolution of land and boundary conflicts; the improvement of local capacity and sustainable development; and concerns on the

need to engender environmental stewardship. Park authorities have highlighted each of these concerns as important for achieving conservation success, as well as for harnessing essential support for ecological and cultural conservation from community members in surrounding parklands. The inadequacy of SNP's approach is further attested by the absence of reporting to communities and the lack of community awareness on the design process and the actual park management plan document. As a consequence of this, local leaders and institutional bodies have asserted the need for an institutional rather than monetary solution to current problems associated with both approaches to conservation and multi-level engagement (interplay) in park planning and management. This is despite challenges among all of the villages to address basic development needs, poverty and interrelated economic isolation.

3.8 Conclusions

The Local Government Act (1994), the current legal framework for village government, vests village level institutions and leadership with a strong degree of responsibility for social, economic and ecological management of village populations and territories. In this regard, progress in the development of institutional and organizational structures and processes in rural coastal Tanzania suggests communities are rising to the challenge and implementing collective decision-making and action agendas as envisioned in the Act. Such advancement, seldom documented in impoverished and economically isolated rural areas, demonstrates the capacity and potential for partnerships in environmental conservation and makes a case for community inclusion in protected area management. In contrast, TANAPA's and Saadani National Park's approaches to conservation suggest a move in the opposite direction from the overarching legal framework, where village level actors' critical roles and responsibilities in conservation are often overlooked, undermined or plainly disregarded. It is apparent that fully exploring the connections between cross-scale social-spatial organization and sustainable conservation will require further and wider research. However, progress in collective action, spatial organization, and environmental stewardship among Saadani's villages and the current status of affairs within Saadani National Park indicate that it is necessary for conservation agencies to unite with Saadani's social and institutional structures to achieve environmental goals.

Demands for sustainable conservation are particularly relevant for Tanzania, where 32% of its land surface area is under some sort of protection (WDPA, 2012). Besides providing a case study of important resource, land and institutional disputes, Saadani's challenges illustrate relevant spatial and institutional mismatches in environmental governance. The Saadani case study suggests the need for an overarching institutional framework that enhances the tenets of shared jurisdiction, accountability and meaningful cross-level deliberation, which prescribes safeguards to collective land tenure rights and establishes clear compliance mechanisms for violations of collective rights in state-managed conservation.

Despite the considerable size of Tanzania's 16 national parks, a top-driven approach to conservation has resulted in fragmented and unilateral governance and management, and has effectively ignored the inherent interdependence of coupled social-ecological systems. How is Tanzania's National Parks Authority harnessing local capacity to address long-term social and ecological sustainability of the nation's resources and natural wealth? In a country with a density of ~50 persons per km² (International Fund for Agricultural Development & (IFAD), 2011), 32% of its land base protected, literacy rates above 70% and visibly active and inclusive local institutional structures, the agency's greatest partners in conservation are the local people. However, changing state-based conservation will require overcoming the persistent paradigm disconnecting humans and nature, which informs everything from global conservation policy to local training and practice, and which undermines both ecological conservation success and social progress.

Chapter 4: “The Map” of the Reserve: Institutions, Spatiality and Sustainability in the Saadani Landscape

4.1 Abstract

How spatial relationships and institutions shape approaches to and outcomes in environmental conservation is an important dimension of biodiversity conservation, which requires further attention. Government interests in and abilities to exert spatial control for various purposes, including conservation, is becoming an area of extensive debate as scientist and practitioners struggle with the consequences of anthropogenic climatic and ecological change. Proclaimed as the “most important conservation success story”, protected areas have become the most preferred conservation method worldwide in the past century. Yet this consensus on adopting PAs has not translated into widespread legitimacy. On the contrary, PAs have been criticized for their limited success in achieving ecological and social goals. Therefore, revealing how the success of PAs is affected by exogenous and endogenous variables, such as country-wide conservation institutions and park approaches to governance and management, is important to address sustainability in environmental conservation.

To address this gap, this chapter examines empirical findings on Tanzania’s state-led conservation, to explain how state-based conservation and strict conservation measures impact the adaptiveness and sustainability of protected landscapes. The chapter provides a description of the nature of spatial and institutional planning processes, interplay across-levels, and outcomes enabling the establishment of Saadani National Park. This description enables an identification of the ways in which top-driven institutions and spatial reorganization outcomes impact on the pursuit of ecological goals. Despite a clear shift in the state of Tanzania’s discourse, from exclusionary to people-powered conservation, the findings show that current approaches in state-based conservation remain of little value for the wildlife and ecosystems for which they have been devised, or for the well-being of grassroots actors engaged in protecting biodiversity. In sum, the findings pinpoint governance, spatial, and ethical determinants of social and ecological sustainability, or the lack thereof, both at the level of principle and practical actions.

4.2 Introduction

With evidence accumulating on the impact of human actions on the world's life supporting systems (Cardillo, Mace, Gittleman, & Purvis, 2006; Foley et al., 2005; Imhoff et al., 2004), significant efforts have been made to preserve what remains of natural landscapes. Establishing protected areas has been one hallmark of such efforts (Venter et al., 2014), and has had significant repercussions in terms of both spatial reorganization of inhabited landscapes and the upward redistribution of spatial and institutional control (Benjaminsen & Bryceson, 2012; Brockington & Igoe, 2006) to peripheral and other more distant or external actors.

Although empirically discredited as the most effective conservation strategy (Chapin, 2004; Dowie, 2011; Mora & Sale, 2011), exclusionary conservation, such as the conservation promoted through the establishment of national parks, is still promoted as *a highly successful approach* in the preservation of ecological diversity². Concurrently, state-based PAs have gained steady support in global conservation efforts (Juffe-Bignoli et al., 2014; Watson et al., 2014) to counteract anthropological impacts. In particular, national parks and game reserves have for a long time been the preferred approach to biodiversity conservation (Juffe-Bignoli et al., 2014). This focus on PAs has positioned them as the most reliably funded and principal strategy (Waldron et al., 2013; Watson et al., 2014) in conservation advocacy, but also the most effective at transferring decision-making power, and responsibility and control (Brockington et al., 2008; Brockington & Igoe, 2006) from local to higher level actors. In other words, national parks and game reserves are categories of PAs that exist almost always under the control of national agencies, and exhibit the most restrictive forms of conservation, where human-nature interactions are limited to management, tourism and research.

Conversely, PAs compete with a host of other land and resource uses. In this respect, research shows how resource exploitation was a central objective in park establishment in countries pioneering the initial park approach (Bella, 1986). However, where progress in strict conservation has been achieved there is limited

² "The growth of the modern global protected area movement over the last 100 years is arguably the greatest conservation achievement," IUCN director General Julia Marton-Lefèvre <http://www.iucn.org/fr/news/?18569/A-fraction-of-the-global-military-spending-could-save-the-planets-biodiversity-say-experts>

empirical evidence on the governance and management traits influencing conservation outcomes (Ferraro & Hanauer, 2014). On the whole, parks have had fluctuating popularity, depending on the financial viability (available funding) of reducing landscape disturbance and/or on vested interests in lands targeted for conservation (Brockington et al., 2008). Yet parks have been lobbied for nearly all of the world's biodiversity hotspots and are set to comprise at least 17% of the world's surface by 2020 (Juffe-Bignoli et al., 2014). However, areas most attractive to conservation are also among the most culturally diverse (Alcorn, 1993; Dowie, 2011). Despite this fact, state-managed national parks, the fulcrum of global conservation efforts, continue to be established through technical and financial assistance (James, Gaston, & Balmford, 1999; Waldron et al., 2013) without clear mechanisms for assessing spatial and institutional social-ecological relationships in landscapes targeted for conservation. How has such a widespread, disengaged approach enabled social-ecological communities to maintain diversity and the persistence of wildlife population³? And how has it affected the ability of indigenous communities to benefit from and foster ecological sustainability of the landscapes they have been ancestrally interconnected with?

While an overwhelming amount of research continues to focus on the importance of conservation to address climatic and ecological change, there has also been considerable focus on measuring the social impacts of conservation practice. These two research areas are essentially connected to issues of environmental management. The legitimacy struggles of PAs, and current trends in environmental impacts from organized poaching and extreme poverty in and around national parks (Brockington et al., 2006), also demand intensive scrutiny. Specifically, scholarship is required on the processes through which environmental governance, rather than management, has impaired or could impair wildlife populations, and how environmental governance has become an instrument of dispossession and ultimately of oppression. Equally significant and insufficiently researched are the conditions under which PAs systems mirror the approaches that contributed to environmental degradation in the first place.

³ At the time this dissertation is being written, there is an unprecedented and still growing amount of journalistic research showing how wildlife populations are declining at unprecedented rates within East and South Africa national parks (BBC, The Guardian and other independent news sources).

Through a close examination of the evolution of state-managed conservation in the Saadani landscape, the chapter answers the question of how institutions and institutional interplay (critical dimensions of environmental governance) affect spatial reorganization, and with it, the park's outcomes in terms of legitimacy and social and ecological sustainability. This is done through the examination of various interventions in the Saadani landscape and their relevance for the establishment of Saadani National Park (SNP). In exploring the process of establishing the park and the spatial reorganization that emerged, this chapter unfolds from a detailed evaluation of the particular case of Saadani village, whose importance was recognized in the naming of the park, and ends with broader insights on various spatial, social, institutional and environmental dynamics taking place between SNP and 13 of its 17 adjacent villages.

The chapter builds on literature on environmental governance and geographies of conservation to explain, through a practical example, the multifaceted interplay between social well-being and biodiversity conservation. This is done to provide a base for further inquiries on the means through which top-down approaches hinder success in biodiversity conservation and on the possibilities of achieving equitable outcomes for both human and natural communities.

4.3 Environmental Governance: Approaches, Institutions and Spatiality

4.3.1 Protected Areas: The Holy Grail of Conservation

Despite mounting evidence on the impacts of and conflicts engendered by strict state-based conservation schemes, and the diversity of actors and their spatial connections to areas targeted for conservation (Benjaminsen & Bryceson, 2012; Mora & Sale, 2011), national parks and other forms of exclusionary conservation are still widely supported. They remain the dominant approach to addressing all sort of environmental challenges, from unsustainable resource use to climate change.

In an unprecedented step, governments have agreed to expand PAs from 13% to 17% of the earth's surface, and to strive to deter the rate of extinction of iconic species (Venter et al., 2014). Protected areas expansion goals account for all forms of management objectives, from strict protection to sustainable use (for example, in

strict nature reserves (Category I) and managed resources systems (Category VI)), and governance types (governance by government, indigenous peoples (IPs) and local communities (LCs), private, etc.). Yet as of 2014, of the 88% of all PAs reported to the World Database on Protected areas (WDPA), 82% are managed by government, while only 1% were reported as managed by IPs and LCs (Juffe-Bignoli et al., 2014). Relatedly, of the 64% of PAs whose management objectives were reported, 50% fall within the most restrictive I-IV conservation categories, and of these restrictively classified PAs, 26.6% are classified as national parks (Juffe-Bignoli et al., 2014). Although underreporting remains a significant challenge in measuring conservation efforts, available data (Juffe-Bignoli et al., 2014; Zimmerer, Galt, & Buck, 2004) directly suggests there is a clear trend towards the establishment of more strict state-managed conservation schemes. In Tanzania this trend is significant, with an outdated estimation that at least 20% of the national territory is under PAs controlled by the state (Shivji, 2002), while the remaining 12% of the 32% that comprise Tanzania's lands under PA status (IUCN & UNEP, 2013) are managed by a mix of actors, including government agencies.

The logic behind supporting and increasing protected areas worldwide is based on sound science documenting unprecedented environmental degradation at the global scale (WWF, 2014b). This scale of threats to wildlife, ecosystem and human survival has motivated extensive analysis of critical issues of environmental management (Hockings et al., 2006; Venter et al., 2014), yet the nature of current challenges suggest that addressing protected area management comprehensively requires a focus on environmental governance. Understanding the growing concern (Chapin, 2004; Colchester, 1994; Dowie, 2011; Neumann, 1998) regarding how the rational and approaches to strict forms of state-based conservation are actively promoted, and represent the logic that contributes to environmental degradation, is an essential question for confronting the current, unprecedented scale of biodiversity loss. In this respect, the purpose of this chapter is to provide rigorous evidence on the spatial and institutional traits through which state-based PA governance and management impairs or erodes chances of achieving conservation success.

4.3.2 Institutional Fit and Interplay in Conservation

Recognition of the global scale threats posed by environmental degradation has instigated agreements and governance frameworks around the world, including emerging initiatives to address climate change, sustainable development and environmental conservation. Each agreement has reiterated the role of all sovereign nations in the preservation of healthy environments and the prevention and mitigation of damage to social and ecological communities. However, the way in which national and international actors have translated often complex protocols into specific policies and mechanisms for spatial reorganization and the distribution of burdens and benefits remains controversial (Kanie, Nishimoto, Hijioka, & Kameyama, 2010). To this effect, central challenges in the applicability of conservation frameworks are reportedly similar (Brockington et al., 2006) to the efficiency, equitability and effectiveness issues that characterize other environment and development governance frameworks at the global level (Frank Biermann et al., 2012).

The relationship between humans and nature is the central concern in environmental governance frameworks (Stern, Young, & Druckman, 1992; Young, 2002). Directly related to this relationship are the norms that shape behaviors, the structures that allow those behaviors to manifest and take new forms of expression, and the ability and power to exercise such behaviors (Fligstein, 1999). These relationships manifest through different institutional arrangements embedded within governance systems. Therefore, understanding these systems' institutional structures and governance dynamics is essential, in terms of discovering and articulating how the sustainability, effectiveness, efficiency and equitability of PAs is impacted. In this context, institutions are defined as sets of binding rules, rights and normative procedures that frame collective decisions and actions, determine actors and steer their interactions (Young, 1999). In turn, interplay refers to the interactions between institutions and among actors across levels of social organization. Institutional fit is also important, for understanding PA performance through the analysis of governance. Institutional fit refers to the appropriateness or degree of coherence between institutions and the social-ecological systems for which they are devised (Young, 2002b).

Institutions are designed based on subtle, yet very powerful perceptions on human motivations and the connections between humans and nature, and directly shape the types of governance and other structures that are in place to address current social, economic and ecological problems. These perceptions of humans and nature, and the relationship among the two, also affect the types of adaptive or not adaptive responses devised to deal with these problems. In fact, conscious attention to the motivations for grassroots collective action is the most effective way of addressing issues of institutional causality and design (Young, 2008a).

Despite progress on the mainstreaming of alternative conservation narratives (Borrini-Feyerabend, Kothari, et al., 2004; Borrini-Feyerabend, Pimbert, et al., 2004), the rationale behind state-based conservation remains narrowly framed around dichotomous ecocentric vs anthropocentric debates (Kareiva, 2014; B. Miller, Soulé, & Terborgh, 2014; Soule, 2014) within dominant conservation discourses. Such a focus has situated PA management objectives (Venter et al., 2014; Watson et al., 2014) above critical issues of PA governance. And yet, strict, state-managed PA systems are the most challenged in terms of arrangements and outcomes (Arun Agrawal & Redford, 2009; Brockington & Igoe, 2006; Dowie, 2011). This is despite the fact that state-managed PA systems are the hallmark of current conservation efforts (Juffe-Bignoli et al., 2014), and are the most widely spread and consistently financed conservation format (James et al., 1999; Waldron et al., 2013). Accumulated research shows PAs have had mixed success in achieving environmental and social goals, as a result of factors like governance design and their insufficient ability operate within and connect to wider socio-economic and institutional frameworks (Brandon et al., 1998; Christie & White, 2007; Duffy, 2006). A focus on the match between PA land tenure and related institutions (jurisdiction, use, habitation rules) with the culturally diverse communities they are often connected to (termed as institutional fit), rather than PAs type, extent and coverage (management objectives) can better inform on what are the linkages between conservation and sustainability.

Conservation institutions and institutional interplay also define and determine the roles of actors in the design of conservation approaches and the pursuit of conservation goals. Interplay across levels shapes access and allocation, distribution of burdens and benefits, jurisdiction, grassroots collective actions (agency) and their degree of participation in environmental conservation (Young, 2002a). These are all

critical determinants of PAs efficiency and effectiveness, let alone equitability. Connected to this, is the extent to which PAs establishment and operation substitute rather than synergize with culturally diverse approaches, which are intrinsically connected to biodiversity conservation, through spatial reorganization.

Spatial reorganization is the other central dimension of biodiversity conservation that impact on conservation effectiveness, efficiency and equitability. Spatial reorganization alters the interplay among community institutions and between community institutions and state institutions. It impacts on multi-level jurisdiction, communal land tenure institutions and the exercising of agency by grassroots actors, which in turn has implications for fit. Specifically, the fit of spatially reorganized institutional arrangements with targeted social-ecological environments. With state-based PAs encroaching into community territories in conservation-oriented countries like Tanzania (Brockington & Igoe, 2006; Brockington, 1999), there is an imperative to analyze the spatial premises upon which mainstream conservation discourses are based. It is also necessary to consider how spatial reorganization hinders conservation success, relationships of power and necessary cross-level agency on which sustainable conservation rests.

4.3.3 Spatiality in Conservation

Biologically diverse and culturally rich landscapes are inherently heterogeneous, and harbour a diversity of interactions between human and natural communities (Zimmerer & Young, 1998). However, this heterogeneity has been perceived and represented differently by conservation actors at different levels of social organization (Roth, 2008; Zimmerman, 1995). For communities intimately connected to their surroundings, classifying people as distinct and disconnected from nature is not valid (Colchester, 1994; Dowie, 2011). These grassroots conceptions of space are determined by long standing interactions, communication and thought that enables experience to be built and to give way to the creation of place (Y. Tuan, 1979; Y.-F. Tuan, 1975). Conceptions of place, which shape and are shaped by culture, have been translated into fairly complex spatial and institutional arrangements where livelihoods, habitation and conservation are intrinsically linked through permeable boundaries and overlapping spaces (Berkes, Folke, & Colding, 1998; Roth, 2008), and multi-use patterns and reciprocal co-existence (Colchester, 1994). Today, a large body

of empirical literature, including research on the commons, community-based conservation, and community resilience provides a rich set of examples on the conceptions of space, creation of place and complexity of grassroots approaches to relating to and managing nature.

Conversely, state actors at higher levels perceive and define landscapes in more static and homogenous ways (Roth, 2008). These landscapes are conceived as large extents of territory, characterized by associated but independent human and ecological activity. In this notion of space, human and ecological activity can be bounded and separated from one another, and their relationship is often perceived as static. This paradigm of space directly opposes grassroots conceptions of space, and has come to inform distinctive conservation institutions. These conservation institutions have been successful not only at making stark and abrupt separations between humans and nature (Chapin, 2004), but also at transforming culturally and ecologically rich landscapes into uniform ecological management units.

Current international conventions, designed to address pressing conservation needs, have embraced the human vs nature paradigm. And to a lesser extent, at the level of practice, they have embraced more inclusive “human parts of nature” paradigms. For example, the Convention on Biological Diversity accounts for PAs that are both exclusionary (regardless of the landscape to which they are applied) and multiple use (Dudley et al., 2005). However, mainstream global conservation actors continue to lend financial support and the most resources to state-based conservation projects, which are often easier to implement and monitor. This has been achieved through relentless lobbying of global government agencies to increase PA extent and coverage (Venter et al., 2014), without systematic implementation of mechanisms for ensuring equity. This is despite the fact that the most valuable global biodiversity hotspots are also the most culturally rich, and require diverse approaches to preserve biodiversity (Stevens & De Lacy, 1997). The extensively documented impacts of top-down conservation illustrate the economic, social and land tenure inequalities and conflicts these approaches to conservation have engendered (Brockington & Igoe, 2006).

Framing conservation effectiveness and efficiency in terms of respect for rights and fairness has gained prominence since the 2003 World Parks congress

(Brosius, 2004). But surprisingly, there is still too narrow an understanding of the connections among institutions, spatiality and sustainability in environmental conservation. This knowledge gap is aggravated by the scarcity of empirical evidence on how institutional and spatial dynamics, inherent to state-based environmental governance, hinder the potential of communities to exercise their agency.

To contribute to this identified research gap, this chapter presents a critical engagement with the ways in which spatial reorganization and governance in the Saadani landscape have been detrimental to both ecological and social communities. The chapter gives particular attention to the specific impacts spatial and institutional reconfiguration processes have had on the preservation of biodiversity and in the tenure institutions of communities who have fostered its protection. After contextualizing the case, the chapter provides findings on the process of establishing Saadani National Park, including institutional interplay, multi-level decision-making, and the spatial reorganization and institutional outcomes which emerged. The discussion and conclusions connect the findings to critical insights from the literature, and elaborate on the effectiveness and equitability implications of adopting state-based strict forms of conservation to confront today's unprecedented scale of ecological change and threats to biodiversity.

4.4 Case Study Background

4.4.1 Saadani National Park (SNP)

Tanzania's efforts in conservation have been recognized at the international level and highly praised by global conservation organizations. Presently, Tanzania has 304,836.55 km² or 32.18% of its land area and 6,705.46 km² or 18.21% of marine or littoral area under conservation (WDPA, 2012), which contribute significantly to the country's economy. Of the total area of the country under PAs, the majority are state-managed (Shivji, 2002) and the rest are, to various degrees, partially controlled by statutory agencies.

Saadani National Park (SNP), was established in 2005, and is especially significance among Tanzania's PAs because of its biological, ecological and cultural features, and its exotic location along the Indian coast. It is also the first park comprising both marine and terrestrial zones. It is located within the Districts of

Pangani and Handeni (Tanga) and Bagamoyo (Pwani). The park is surrounded by 17 villages officially recognized and with functioning governing structures. These include the 13 villages where the research took place: Saadani, Buyuni, Mkwaja, Mikocheni, Mkange, Kwakibuyu, Gendagenda, Mbulizaga, Mkalamo, Kwansisi, Mkange, Gongo and Matipwili. Villages adjacent to Saadani National Park (SNP) have ancestral connections to place through which cultural practice, habitation and livelihoods processes have been shaped.

4.4.2 Legislation Driving and Influencing Conservation

Tanzania's conservation history dates back to the 1950s, when its first national park, Serengeti, was established. This significant and enduring focus on conservation has had equally significant repercussions in the emergence and evolution of environmental and other policies and institutions. Two sets of institutions of critical importance for this chapter are laws on grassroots governance and communal land tenure, as well as environmental management and conservation agencies.

Local Governance and Communal Land Tenure

The Local Government Act (Tanzania, 1982) and the Village Lands Act address important aspects of the of transfer of authority and decision-making power from higher to lower levels of social organization, but also resource and land tenure rights. Although both acts have undergone significant reforms, they have come to provide significant frameworks for communities to assert and enforce communal rights and exercise their agency.

Of particular interest in the Local Government Act is the degree of decision-making power held at district levels, who retain final approval authority, with the binding nature of these decisions felt at lower levels, including ward, division and village (Tanzania, 1982). This act also highlights the legislative and decision-making powers vested in village level institutional bodies (Village Councils & Village Assembly) who are able to prescribe binding laws addressing most community level concerns (Tanzania, 1982). However, village level institution bodies are still dependent on final approval by district level authorities to make decisions legally binding. This framework is distinctive among African states, and is directed to strengthen democratic rule and collective grassroots decision-making. The framework

makes Tanzania an interesting case study for learning about how traditional individual leadership has been replaced by democratically elected bodies, which require final approval by their electorate (through the institution of the Village General Assembly) on all critical decisions and actions.

The provisions contained in the Village Lands Act are considered important, as they give equal weight to customary tenure rights (for indigenous peoples) and granted rights of occupancy (for immigrants). Yet the Act is also inadequate in terms of lacking fundamental solutions to underlying problems of devolved tenure rights and responsibilities to communities (Shivji, 2002), which have been identified as central to address conflicts between communities and the state and discrepancies among community development goals and environmental needs (Alden-Wily, 2002). The Act explicitly states: "...to recognise that all land in Tanzania is public land vested in the President as trustee on behalf of all citizens" (Tanzania, 2001, p. 7). While for some scholars the Act vests "ultimate ownership (radical title)" and therefore control in the state bureaucracy (Shivji, 2002, p. 59), for others, "trusteeship" is different from ownership and therefore there are significant constraints to the powers of the executive (Dr. Liz Alden-Wily/Personal communication).

Environmental Management and Conservation Agencies

Important environmental/conservation institutions include the Environmental Management Act (The United Republic of Tanzania, 2005b), and the TANAPA Act (Tanzania National Parks, 2008). A cursory analysis suggests that both Acts address in some way the role and distribution of decision-making powers of government bodies in environmental management, and the criteria to guide organizational design of conservation agencies and conservation priorities. What makes them most impactful is that they seem to compel, but not oblige, national actors to regard grassroots interests in critical environmental/conservation decisions. The Acts also provide significant legislative and other powers to national agencies once land categorization (spatial reorganization) has taken place, which makes it more difficult for grassroots actors to address and protect communal interests affected by approaches applied to protected landscapes.

The Environmental Management Act (EMA) highlights the role played by district level authorities in the provision of guidelines to protect lands around water bodies and other environmentally sensitive areas, and in the development of environmental action plans. It directs the duty of the Environment Minister “to regard the interests of local communities” in areas proposed as protected areas (The United Republic of Tanzania, 2005b, p. 146). The Act also describes in detail the rights and powers vested in the Environment Minister, who may “prescribe any other additional protection condition to be complied with by the grantees of customary rights of occupancy (villagers and their village lands)” (Tanzania, 2005, p. 149). This suggests that national level authorities have the ability to override decision-making outcomes or direction set through grassroots governance processes. Tanzania’s Wildlife Policy is also important for understanding approaches to conservation. This policy positions wildlife as a national resource that must be protected and systematically managed through a network of PAs (The United Republic of Tanzania, 1974).

The Tanzania National Parks Act (Tanzania, 2003), which has undergone various modification over time, has significant provisions for the amount of power to be upheld by TANAPA in the control, management and maintenance of national parks. These powers include full control and ownership, such that once an area is proclaimed a national park, through an act of parliament, customary tenure, cultural practice and traditional resource use rights become “forever extinguished” (Tanzania, 2003, p. 4), and the areas become fully controlled by TANAPA. The only exception is for mining rights, which are preserved in certain areas.

4.5 Methods and Data

The data presented in this chapter comes primarily from empirical research, but is also supplemented by secondary sources. Research data were collected during an 18 months period between 2012 and 2013 in 13 of the 17 villages adjacent to SNP and involved a total of 217 participants through individual and group interactions. The methods employed to gather data included semi-structured, key informant and in-depth individual and group interviews, focus groups, GIS and document analysis. The analysis was done using excel, Nvivo and ArcGIS.

The qualitative data collection methods on institutional processes included:

- in-depth interviews with village elected leaders and government staff (Chairpersons and Village Executive Officers) from 13 of the 17 villages;
- focus groups and group interviews with village elected decision-making bodies (Village Councils) from all participating villages; appointed Development and Environment Committees from three villages adjacent to SNP;
- key informant interviews with village members, district and regional government personnel from Tanga, Dar, and Handeni, Pangani, and Bagamoyo districts; and
- individual interviews with Saadani's park wardens for resource protection, community outreach, ecology and administrative staff.

Spatial data was gathered through field walks with village leaders and members of Village Councils, through field visits to various sites of importance, and through field observations with key informants and elders. The spatial data included GPS points and transects to delimit/identify territorial arrangements, settlements, and areas of concern, culturally important places and other locations and areas of significance. The visual cartographic analysis applied to the data included:

- Digitizing and geo-referencing village land use plans, and creating maps using original gazettes of state-based interventions;
- Identifying spatial overlaps among park and community' boundaries and territories;
- Comparing former and present geographic extents and locations of land use arrangements using institutions (official gazettes), physical demarcations (boundary beacons and other land demarcations), and socio-cultural activity (sacred areas, habitation, etc.);
- Identifying the geographic relationships among outcomes of spatial reorganization, communal land tenure arrangements, and socio-institutional conflicts (including poaching, community disenfranchisement, institutional isolation, etc.).

Previous and parallel to gathering primary data, documents (both published and unpublished) and digital files on the creation of the park, management zones, villages land use and resource planning, and other grassroots and park information were gathered from various government, community and independent sources. The analysis applied to the secondary data was the same as was applied to the qualitative and spatial primary data.

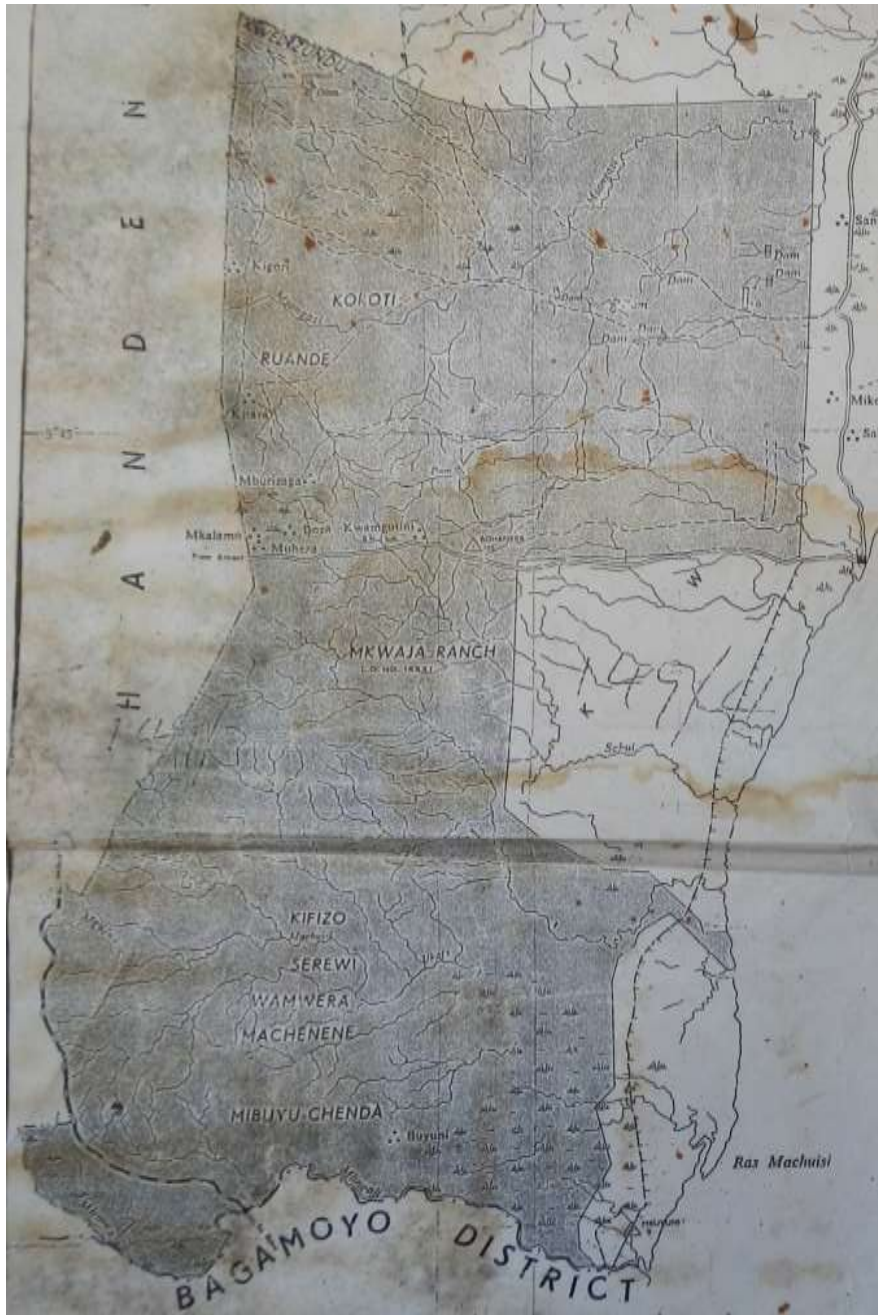
4.6 Findings

This section starts with a description of landscape level interventions preceding the establishment of SNP to contextualize the case. The second part of the section analyses a) the particular case of Saadani Game Reserve (SGR), its emergence, spatial and institutional outcomes, because of its importance to the establishment of SNP; b) the process of establishment of SNP in relation to SGR processes; and c) the specific spatial reorganization and institutional outcomes brought about by the official establishment of SNP. The third part of this section presents relevant spatial and other connections between villages and park lands. This is followed by an examination of spatial and institutional aspects of current approaches to park management and governance. The last part of the findings describes the status quo in park-community interactions (interplay) and the particular decision-making and spatial and institutional dynamics currently present in the Saadani landscape.

4.6.1 Landscape Developments Preceding SNP

Saadani's oldest and most significant development intervention dates back to the 1950s when the Mkwaja Ranch was established (Pangani District Archives). Map 4.1, found in archives from Pangani District, shows the original map of the ranch. As can be seen in Map 4.4, Mkwaja Ranch eventually comprises most of the northern portion of SNP. Saadani's other two significant interventions on conservation are Saadani Game Reserve, which was officially established in 1974, but an in operating since about 1968) (Wildlife Division, 1968) and Zaraninge Forest Reserve, proposed in the 1990s and officially established in 2000 (Tanzania National Parks, 2003). All three interventions are represented in Map 4.2. As Map 4.2 shows, Mkwaja Ranch is located to the north of Saadani Game Reserve (identified as number 3 on the map)

and Zaraninge Forest Reserve (identified as number 4 on the map) is located west of SGR.



Map 4-1. Historic Original Map of the former Mkwaja Ranch. (Source: Pangani District Archives).

For the 13 villages participating in the research, the establishment of the former game reserve and the creation of the Mkwaja Ranch have been considered beneficial in terms of increasing employment opportunities and village income, with villagers also connect to the railway system. Employment and income generation have been positively impacted by the various types of conservation and development

strategies pursued on the Saadani landscape since the mid-1950s until the establishment of SNP. But what motivated changes in community perceptions of state-managed conservation? An exploration of the processes of establishment of Saadani Game Reserve (SGR) and Saadani National Park (SNP), and the spatial reorganization agreements and outcomes they instigated, help to answer this question. Zaraninge Forest Reserve (ZRF) has also become a part of the park, and is considered a conservation intervention. However, SGR has been most significant for identifying the nature of multi-level interplay and the attendant institutional arrangements and state-based spatial reorganization—affecting community perceptions, which led to the establishment of SNP.

4.6.2 Institutions and Spatiality in the Establishment of SGR and SNP

This subsection presents findings on the developments leading to a) the establishment of SGR, b) to the establishment of Saadani National Park, and c) the particular spatial and institutional outcomes they gave emergence to. This is done in order to identify the specific impacts of state approaches to conservation on lower land tenure and other institutions, and to some extent, the impacts on the efforts of grassroots actors in protecting biodiversity.

Establishment of Saadani Game Reserve (SGR)

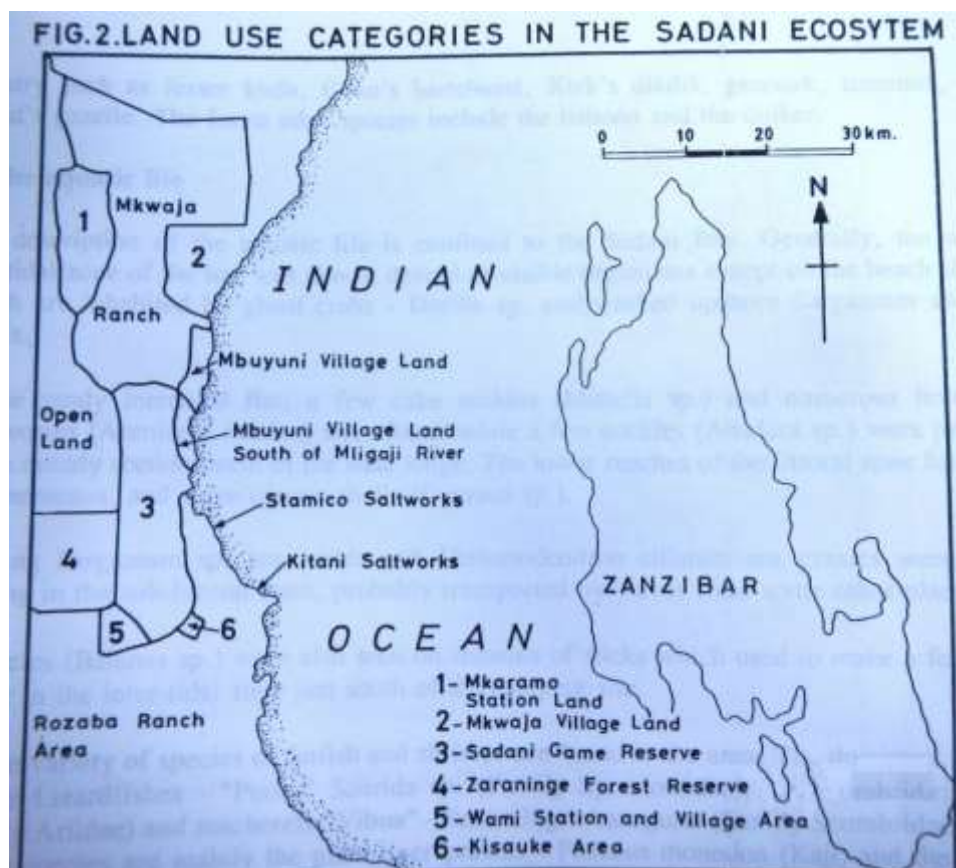
The level of awareness among Saadani villages of environmental conservation both led to and was enhanced by the establishment of Saadani Game Reserve in the late 1960s (Mwinyamane, 1994, 2003). Although seemingly insignificant, both qualitative and document research show that SGR was an outcome of a concerted institutional effort between community leaders and elders and the Wildlife Division (WD) to enable conservation and community habitation on the same landscape.

While working on communal labour, villagers from Saadani (one of the 17 villages adjacent to the park) noticed the presence of the then director of the Wildlife Division (WD), Mr. H.S Mahinda, who was passing by the village on his way to Pangani district. Determined, the villager requested Mr. Mahinda's support to stop the indiscriminate killing of wildlife by foreigners and people from the adjacent districts (Mwinyamane, 1994, 2003). This interaction led to the establishment of what would become known as the community-initiated and supported Saadani Game Reserve

(SGR) in the late 1960s (Mwinyamane, 1994, 2003). Documents describing the process of building agreement and the exact location of the reserve boundaries are absent from the records held by Tanzania National Archives. However, other available records including numerous SGR annual reports – some hand-written and signed by Mr. Mahinda and dating back to 1968 – depict the Wildlife Division’s policy for addressing conservation hand in hand with communities. These reports describe, among other things, efforts in community capacity development, village engagement in tourism management, and collective decision-making (Wildlife Division, 1968). Data from interviews with elders, as well as SGR’s historical reports and historical village documents suggest that SGR enabled multi-level partnerships, trust building, collective decision-making, collaborative wildlife management, and progress in ecological conservation, during its three decades of operation.

In terms of spatial arrangements, the SGR reports make it clear that there were no requests to have coastal village settlements unoccupied or relocated, but of two inland sub-villages, which were relocated because their settlement were right at the heart of the proposed game reserve (one of them known as Tengwe) (Wildlife Division, 1968). The SGR’s lack of focus on relocating inhabited coastal areas is confirmed by cartographic analysis employed in this research, conducted using the reserves’ official gazette and the location of two original beacons marks part of SGR’s boundary. The cartographic analysis (shown in the next section) also supports the interview data with village elders, who observed that spatial arrangements at the time of the reserve were sensitive to village settlements and main source of livelihoods: fishing and salt mining. Two witness elders present at the time of the agreement between the WD and Saadani village, one of them a former worker of SGR, have stated that the map of SGR that *was shown to them* was accepted as it represented agreed upon boundaries. However, no such map of the reserve was found in the community archives. However, the oldest map of SGR was found through document research, included in a 1997 report from the University of Dar Es Salaam. Map 4-2, shows the 1997 report’s map of SGR, which is identified as No. 3. Also included in the report is a geographically referenced version of the map, shown in Map 4.3. This SGR map shows that the extent of beach lands included in the reserve were small. The report also states that the reserve’s beach is “*not as expansive as perceived*”. In reality, only “*up to 2.5km*” of beach stretch from Mvave river,

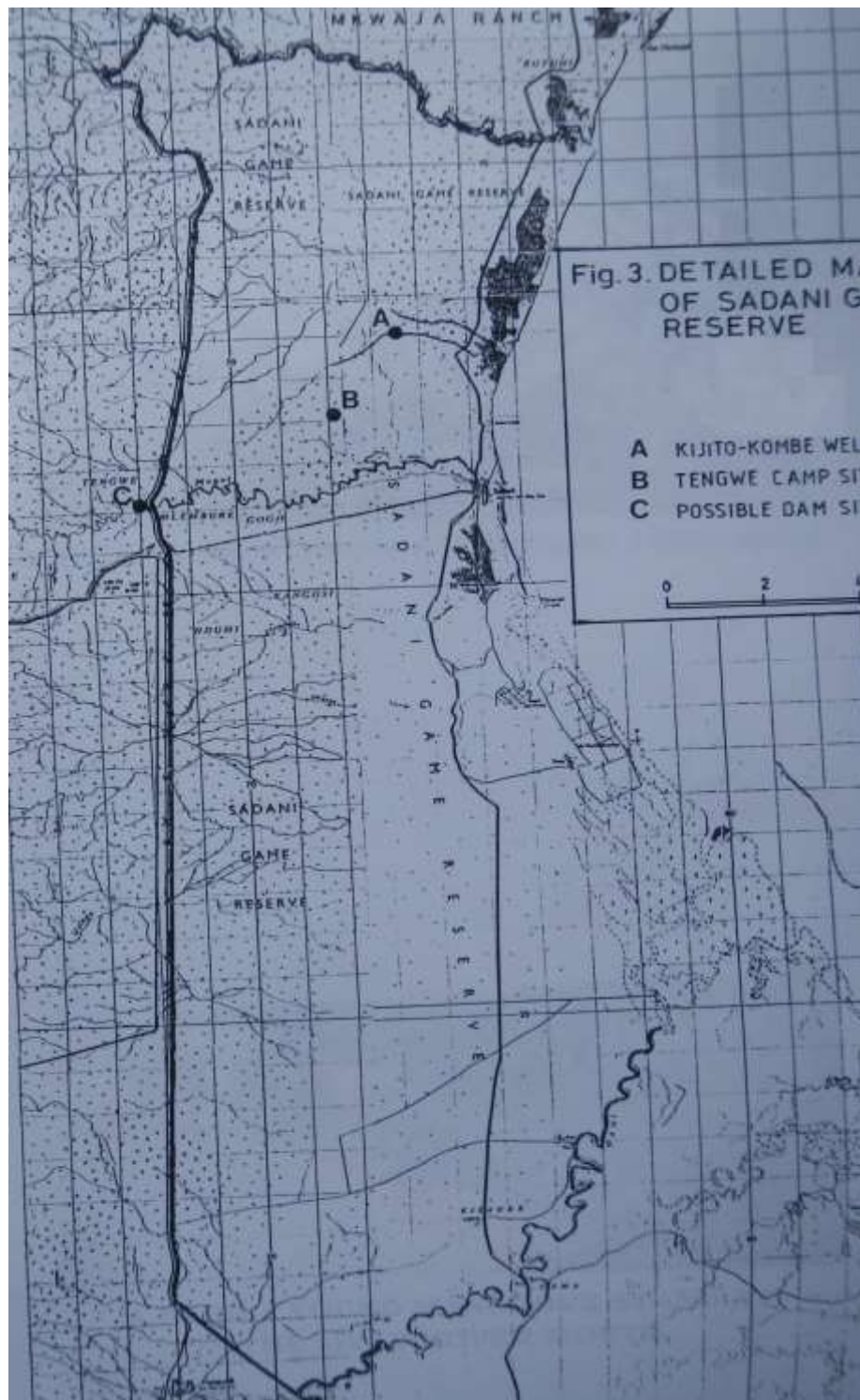
located north of Saadani village center,] up to Kijitokombe river mouth , the south boundary of Uvinje sub-village”, comprise the totality of the reserve’s coastal stretch (Institute of Resource Assessment, 1997). The fact that the map includes a polygon of the former Zaraninge forest reserve (proposed in the early 1990s) makes it unlikely this is a copy of the original map shown to village leaders and elders. Nonetheless, the report’s contents are particularly important to verify spatial arrangements at the time of the reserve, since the report was commissioned by the Wildlife Division itself, and is in agreement with the reserve’s gazette.



Map 4-2. Oldest Map of Saadani Game Reserve found so far. (Source: 1997 Report on Research Commissioned by the Wildlife Division to the University of Dar Es Salaam).

Equally important in understanding the agreement between the WD and Saadani village is the original gazette of SGR (1974), presented in Figure 4-1. Although vague in the description of SGR boundaries, the gazette states that SGR’s north east boundary was demarcated by a “cleared and beaconed line”. SGR’s achievements would eventually play a dual role in the establishment of SNP. First, it called the attention of Tanzania National Park Authority (TANAPA) to create the

country's first coastal national park in the mid-1990s). Second, it enabled TANAPA to have a genial reception, which was also influenced by TANAPA's promises on conservation benefits and collaborative planning and management, and that eventually enabled the establishment of SNP.



Map 4-3. Georeferenced version of the oldest map of SGR that has been found so far. (1996 Report commissioned by WD).

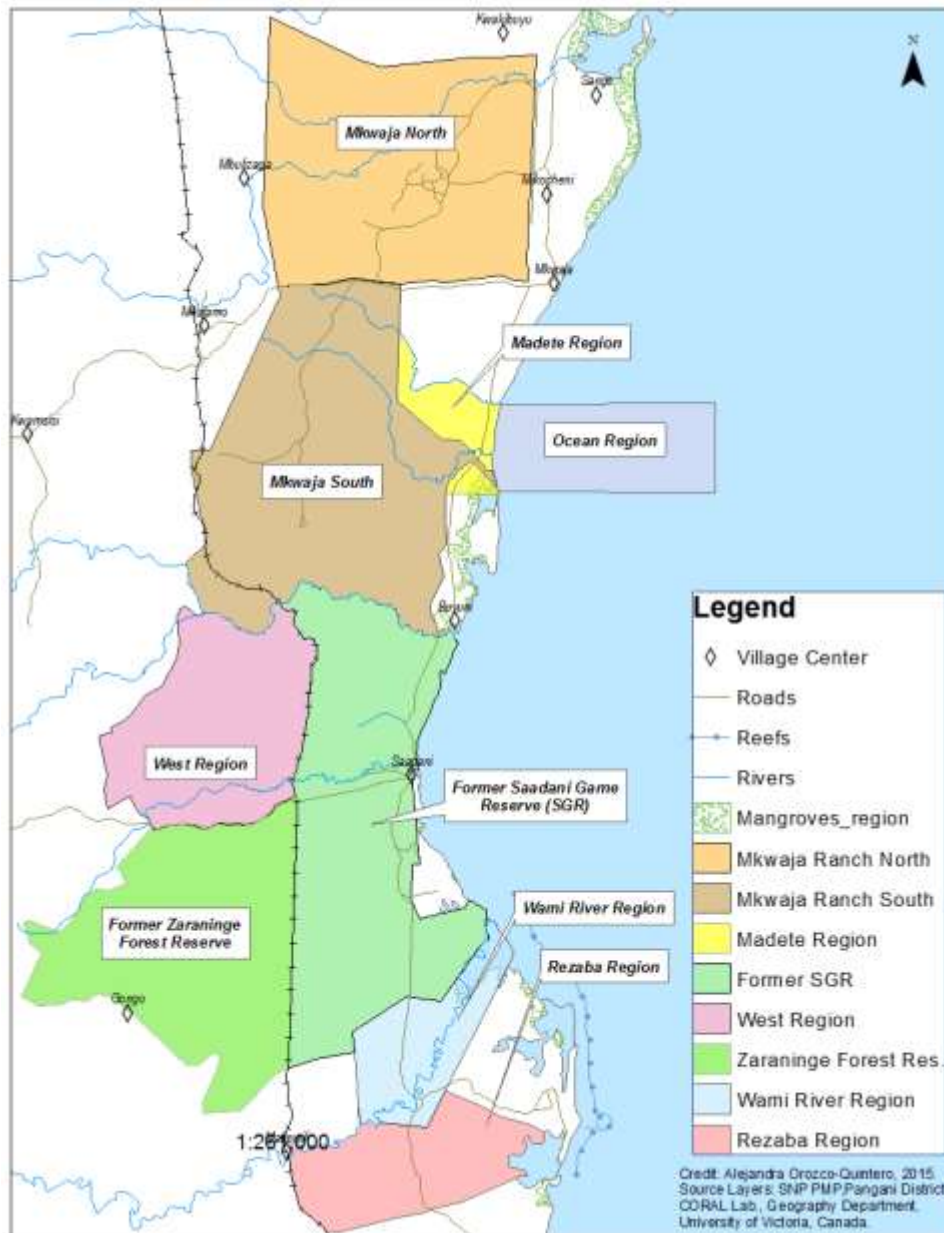
Wildlife Conservation (Game Reserves)		
G.N. No. 275 (contd.)		
Serial No.	Name and Boundary Description	Region, District and Size (Approximate)
12	<p>SAADANI GAME RESERVE <i>Boundaries:</i></p> <p>"Commencing from the point where the Ruvu/Mnyusi railway line crosses the Mligaji River the boundary follows the north side of the said river downstream to the Indian Ocean; thence in a southerly direction along a cleared and beaconsed line for approximately eight kilometres to a beacon situated about half a kilometre north of Saadani Village; thence following a cleared and beaconsed line, leaving Saadani village and Marumbi salt-works to the east, in a south-easterly direction to the point where the Wami River enters the sea; thence following the said river upstream for approximately two kilometre to a beacon on the north bank; thence in a northerly direction along a cleared and beaconsed line for about two kilometres to a beacon north-east of the Kisauke Sisal Factory; thence in a westerly direction along a cleared and beaconsed line, leaving the Kisauke Sisal Factory to the south, to a beacon on the Kisauke/Wami Station road; thence along a cleared and beaconsed line, leaving Maguke Village to the south, to another beacon on the Kisauke/Wami Station road; thence following the said road in a generally westerly direction to a beacon where the road swings south; thence west-wards to the Ruvu/Mnyusi railway line; thence following the said railway line due north to the point of commencement."</p>	<p>Coast—Bagamoyo District. 300 sq. k.m.</p>

Figure 4-1. Original gazette of the community-initiated Saadani Game Reserve.

Establishment of Saadani National Park (SNP)

Throughout TANAPA reports, public participation is said to have been a central mechanism to establish the park (Tanzania National Parks, 2002; Tanzania National Parks Authority, 2009). TANAPA hosted numerous workshops and multi-stakeholder meetings at district levels (Bagamoyo District, 2002; Tanzania National Parks, 2002), where village representatives were invited to discuss the feasibility of establishing the park. These events have been documented by park and district sources, which describe number of meetings and agenda items guiding meetings with district and participating village authorities. However, the surveyed records or the lack thereof, suggest that actual data was absent on the park's geographic extent, location of boundaries, and the amount and location of villages' lands to be added to the park. The reports all demonstrate that decisions to approve the creation of the park, primarily undertaken at district levels, were based on TANAPA's input on the ecological importance of the park. With the exception of the district level presentation of a TANAPA created map of SGR, multi-level decision-making lacked critical information, such as detailed boundary descriptions, to enable village leaders to make

informed decisions on the amount of village territories to be gazetted as park lands. Map 4.4 shows all former interventions and land use zones now comprising SNP.



Map 4-4. Former land interventions and park zones now comprising SNP (Source: 2002 Saadani PMP).

In the same meeting that TANAPA’s map of SGR was presented to Pangani and other District Authorities, meeting participants approved the creation of SNP (Tanzania National Parks, 2002). These details on decision-making developments are relevant, considering that there are no other known park or community records of any village-park agreements on extent and location of park boundaries.

Challenges Emerging in the Transition from SGR to SNP

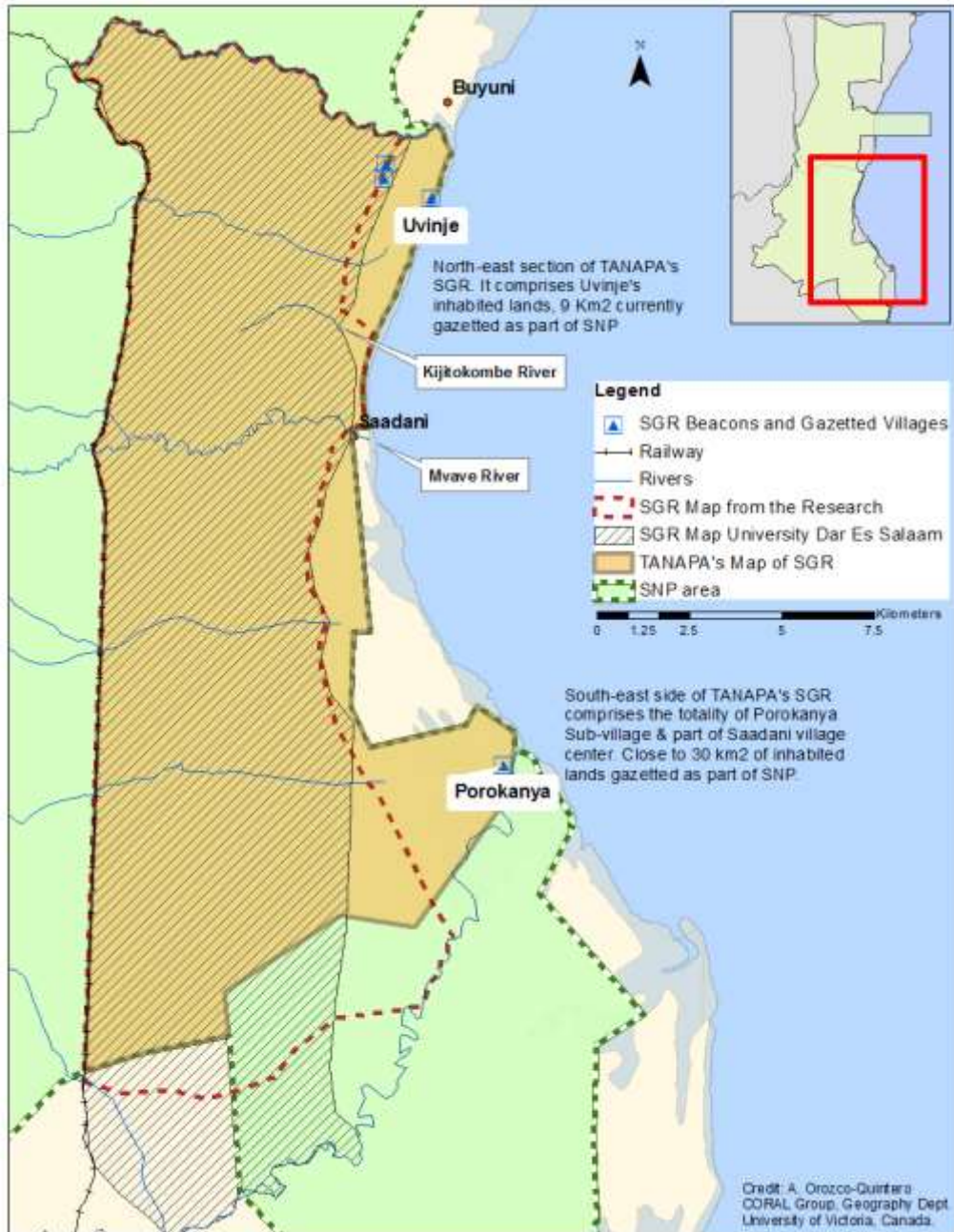
Lands in the southern portion of the park can be divided into two main categories: former village territories, and lands previously owned or managed by district and higher level agencies. Lands under former government interventions include Zaraninge Forest Reserve (formerly managed by Bagamoyo District) and a portion of Rezaba Ranch (formerly owned by the Government of Zanzibar). While lands under former interventions seem to be exempt from conflict, this is not the case for lands once identified as village territories, some of which have been continuously inhabited to this day.

In the southern portion of the park, at least three villages (Saadani, Mkange and Matipwili), as well as communities south of Wami River, face critical issues with the park (Bagamoyo District Commissioner, 2005; Village, 2011).

Visual, cartographic, as well as institutional analyses enabled the identification of the primary reasons fueling conflict between TANAPA and Saadani village, over the area of the park once known for its success in multi-level conservation. Map 4-5, shows the overlay of three differently sourced map polygons on SGR. The polygons sources are TANAPA (which created the map between 1998 and 2001), the University of Dar Es Salaam's Report (whose map dates back to 1996) and as conducted by this research project. The map polygons created in this study were drawn in early 2014 using the landmarks (GPS points from fieldwork mentioned in the original SGR gazette), and the location of two of the original SGR boundary beacons that were discovered by villagers during the field research.

The cartographic overlay shows two basic differences between the SGR maps from the University of Dar es Salaam and the maps created through this research. The first difference is the exact location of the reserve's eastern boundary. While the U. Dar es Salaam research used the road between Mkwaja village and Wami river as the boundary line, this research project set the boundary based on the location of the two original game reserve beacons (~500m to the West of the road). The second difference is regarding the southern portion of the reserve. U of Dar es Salaam research took Wami River as the southern boundary, while the southern boundary for the map created in this research project tries to follow the land features included in the original gazette notice of the reserve. Neither of the two maps developed through

independent research include the inhabited coastal sub-village areas of Uvinje and Porokanya as part of the original area comprising the reserve. The overlay makes it clear that in TANAPA's map the location of the reserve's eastern boundary was actually changed to include most of Saadani's prime inhabited coastal lands. No data has been found to suggest that district and other authorities were aware of the changes when the map was presented by TANAPA at the district level in the process of getting approval for the park.



Map 4-5. Overlay of various maps of Saadani Game Reserve.

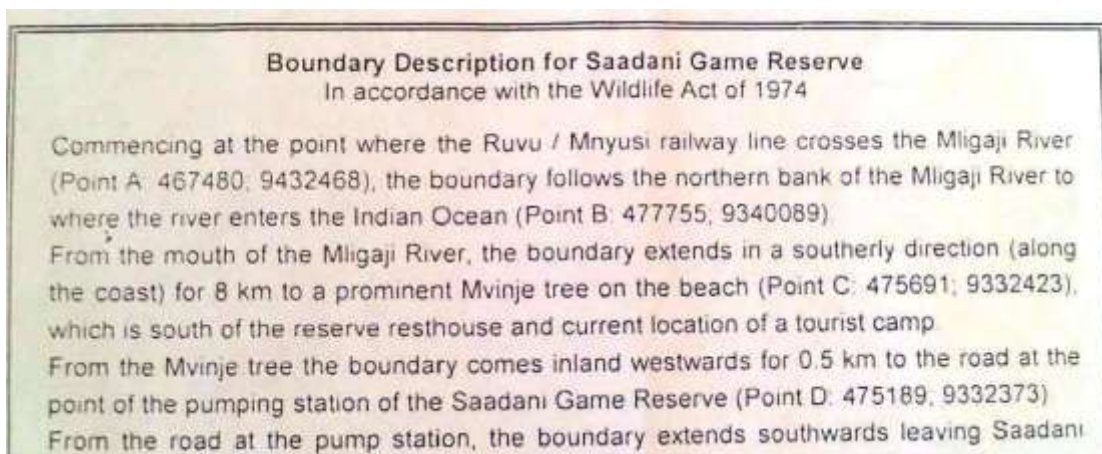


Figure 4-2. Partial document view of TANAPA’s interpretation of the original 1974 SGR gazette notice—shown in Figure 6 (full document included in Appendix 2).

TANAPA’s new cartography of SGR was also supported by efforts by park level actors to alter the original agreement made with Saadani elders (shown in Figure 4.1) and to develop a believable argument affirming that *such village lands have always been within the original SGR and now belonged to the park*. The partial document view of TANAPA’s interpretation of the original 1974 SGR gazette notice, shown in Figure 4-2 (full document included in Appendix 2), reveals TANAPA’s institutional approach to rescinding the tenure rights of members of Uvinje sub-village by adding the clauses “*to where the river enters the ocean*” and “*from the mouth of the Mligaji River...(along the coast)*” and by fully omitting: “*then in a southerly direction along a cleared and beaconed line..*”. These statements beg an answer to the question: When has a ‘cleared beaconed line’ been made along an ocean shore? This same approach was also used by TANAPA to rescind the rights of the members of Porokanya sub-village. In this way, TANAPA took institutional ownership of two of Saadani’s three most significant strips of inhabited coastal lands. Appendix 2 contains reports presented to village bodies participating in the research and outcomes of the dissemination of research findings.

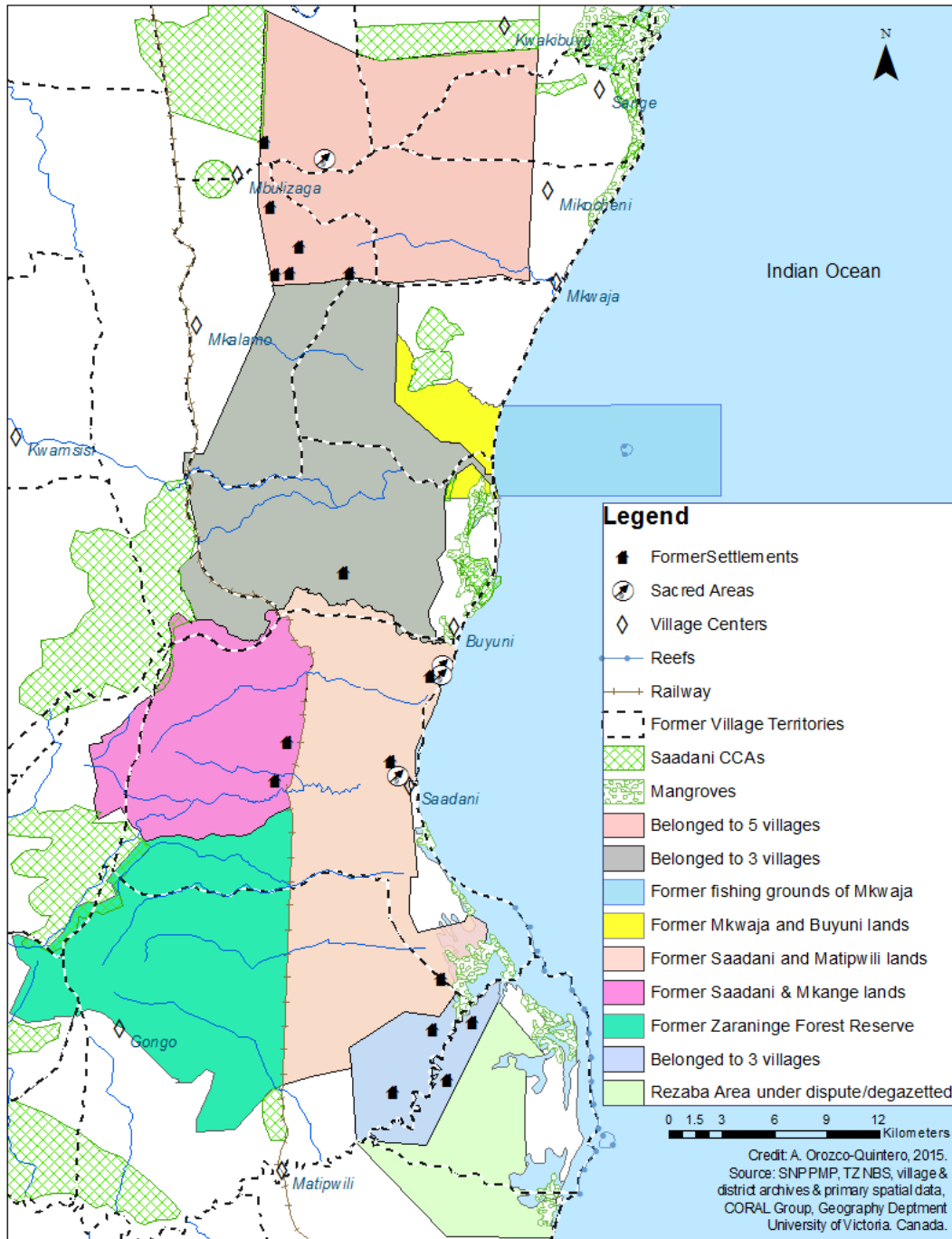
4.6.3 Significance of Park Lands to Adjacent Villages

Orozco et al., (see Chapter 3) indicate that Saadani villagers have significant connections to park lands, which have been developed and strengthened through ancestral habitation, and socio-cultural and livelihood practice. The location of former

village settlements and the identification of ancestral sacred and other culturally significance places attest to the villager's connectedness with park lands. What makes this spatial connection more important is the degree of agency that it has engendered over time.

Saadani's grassroots agency is thought to have been directly influenced by overarching institutions such as the Local Government Act and the Village Lands Act (see Chapter 3). Nevertheless, its manifestation in the form of conservation efforts, nature of institutional activity and structures, identity and attachment to territory, land use arrangements and elaborate resource management approaches, suggests that cultural activity and grassroots conceptions of place have also played an important role in the development and exercising of agency. Map 4.6 shows former village traditional areas and the spatial extents of each village's territory, now comprising SNP. This cartography of SNP in relation to former village lands illustrates how many villages currently reside on land bases less than 20% of their former territories. Prominent among these villages is Saadani village itself, the village whose importance was recognized in the name of both the former reserve and the current park.

Cartographic and data limitations make Map 4-6 an oversimplification of the complex connections between villages and their former territories. However, the map is helpful to depict interconnectedness among park lands and villages and to suggest reasons for their agency. It shows important land use designations in adjacent communities, including the former extent of village territories, community conserved areas (CCAs), former communities settlements and culturally significant places predating the park. This spatially relevant institutional analysis points to both existing grassroots developed capacity for involvement in conservation and the potential for cross-level cooperation in environmental planning and management.



Map 4-6. Significance of park lands to adjacent villages and important land use designations around SNP. (Sources: Tanzania NBS 2002 census, park and WWF reports, primary spatial data, village LUPs).

4.6.4 Spatial and Institutional Processes Affecting Park Governance and Management

This subsection is divided into four parts. The first part elaborates on the inconsistencies in TANAPA’s spatial data on SNP. The second part deals with the

characteristics of current approaches to park management and governance. This is followed by a third part on park data on threats to conservation. The subsection ends with a description of the economic impacts and benefits the park provides to adjacent communities. The objective of presenting these findings is to document the current status of affairs in TANAPA's approaches to park management and governance and most significant socio-economic impacts from and threats to conservation in the Saadani landscape.

Intra-Agency Spatial Mismatches

Area calculations made for the two different SNP maps presented in Saadani's 2010-2020 Park Management Plan (Tanzania National Parks Authority, 2009, p. 11) indicate 1,138.91km² and 1,141.65 km² as the total geographic extent of park lands. Yet official TANAPA videos and documents (Tanzania National Parks, 2008) show SNP's total areas as comprised by 1,062 km², meanwhile TANAPA's official website mentions 1100 km² as the park's total area. The many conflicting park area values stated by TANAPA make it more difficult to identify the actual extent of village territories and/or actual park lands. These discrepancies in total park area are equally visible in TANAPA's official statements on the extent of the former SGR. Park establishment documents indicate that the size of the former SGR was 350 km², while the SGR official gazette states that it comprised of approximately 300 km². Calculations done during this research (shown in Figure 4-5) suggest that the former SGR area was just under 300 km² in size. Map 4.7 shows various polygons of SNP.

What makes the different official statements on total park area more significant are the differences in TANAPA's cartography of SNP. SNP's Park Management Plan (PMP) shows two different maps of SNP (illustrated on page 12 and 30 of this dissertation). Map 4-7 shows a basic overlay of both of the PMP maps with the map provided to some village authorities (found in village archives) and the official park gazette's geographic coordinate points (found in the official 2005 park gazette). The cartographic overlay shows that there is no exact match among the map's polygons, and that none of the three polygons fully match the geographic coordinate points included in the official park gazette notice. SNP's was officially established in 2005, and was encouraged by international agencies (Baldus et al., 2001; Treydte, 2004) and well-supported by numerous international conservation and

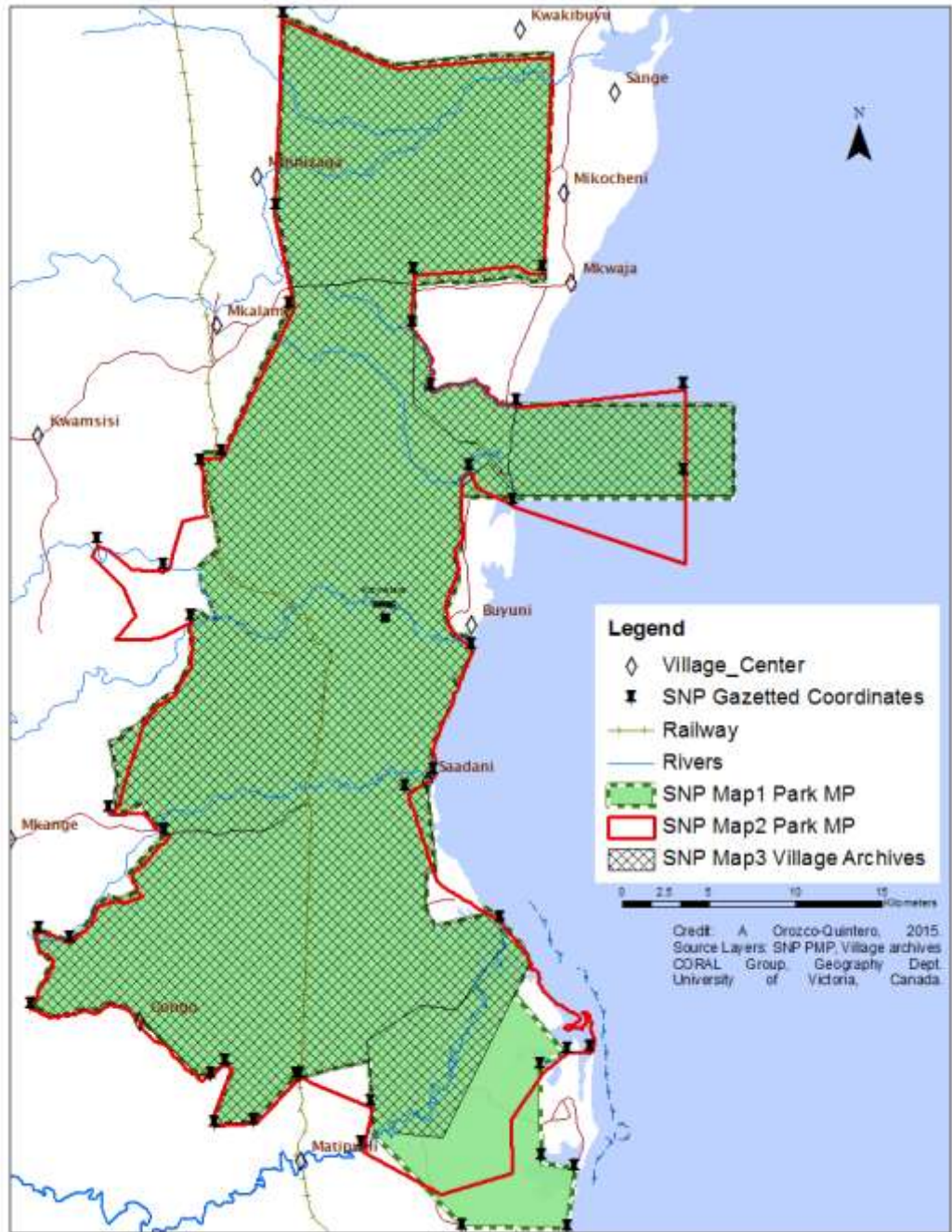
other organizations, including GTZ, WWF and Fondo Per la Terra (Bagamoyo District, 2001). Yet the official gazette (The United Republic of Tanzania, 2005a) does not include a map of the park or information on the total park area. The diverse cartography of SNP, and considering the gazetted park coordinates, points further articulate the institutional and spatial problems occurring during the establishment of SNP.

“At first, we sent our member of parliament to bring the minister for natural resources: Ezekiel Maige. Maige came here. He came and he said that he will take this issue further, but that what needs to be done is...TANAPA should call Amboni [company operating/owning Mkwaja Ranch]. Amboni should come and show their boundaries but they should also involve the district land officer and knowledgeable old men from the village. What TANAPA did is that they went and only brought the district land officer. When they came we failed to reach consensus a common agreement”.

Village Chairman

Park Wardens’ Planning and Management Actions

Qualitative analysis of interviews and consultations with the chief park warden, and the security, ecology and the community outreach wardens reveals inter-agencies dynamics and interplay of park players with village leaders and bodies. These analyses help answer the question: What sets of actions or strategies by the ecology and security park personnel are used to interact with village leadership, when addressing issues of poaching and environmental degradation on village territories? Quite simply, the analyses revealed that *interacting with and approaching village level leaders and bodies is a task of the community outreach department*. In this regard, the 1:51 ratio representing the number of staff in the outreach department as compared with the staff in the resource conservation department (security) suggests that the lack of intra-agency coordination to involve communities in park management is influencing the nature and degree of multi-level interplay in conservation. This is particularly so because the department of community outreach has only one staff person.



Map 4-7. TANAPA’s cartography of SNP (Source layers: SNP park management plan (PMP) SNP Gazette notice, and village archives).

When the researcher’s request to view some of the “community files” at SNP park headquarters was granted, a brief examination revealed that correspondence is irregular and scarce, and appears unrelated to collaborative management or conservation concerns/goals. Analyses of interview data with the community outreach warden, the department’s multi-year annual reports, as well as the “community files”, provide insight to overall park-community interactions. These interactions were found to be focused on showing wildlife videos at schools, on monitoring/facilitating release

of fund for development facilities and on participating at selected ward district commission meetings to provide reports on park issues or park investment in development facilities.

Table 4-1. Overall Saadani’s Park Outreach targets and activities related to park planning and management (Source: Saadani PMP).

SNP General Management Plan Community Outreach Program Targets and Actions
Specific actions to reach PMP targets
Target: Natural resources outside SNP sustainably managed
<ul style="list-style-type: none"> • Facilitate proper management and protection of resources • Support and participate in planning and management capacity building • Provide adequate knowledge and skills on NRs conservation in villages adjacent to SNP • Improve existing mechanisms for supporting land use planning (LUP) in adjacent villages <p style="text-align: center;">Ensure continuous natural flow of Wami river</p>
Target: Conservation awareness in local communities adequately raised
<ul style="list-style-type: none"> • Improve and maintain conservation and environmental education programs to local communities • Discourage livestock grazing and grass cutting by local people • Improve and maintain Community Outreach Program staff performance
Target: Community access to park information and services improved
<ul style="list-style-type: none"> • Disseminate info through forums, seminars, meetings and workshops with communities and stakeholders • Organize park visits and study tours for communities and other stakeholders
Target: Park-people problem-solving mechanisms developed
<ul style="list-style-type: none"> • Develop community profiles and mechanisms to address park-people connection problems • Train rangers on CCS/community involvement in conservation • Reduce incidences of human-wildlife conflicts • Improve & maintain human-wildlife conflict management systems and enhance ecology/veterinary outreach in communities
Target: Disputes on park boundaries resolved
<ul style="list-style-type: none"> • Establish nature and scope of the dispute in collaboration with key stakeholders • Resolve the dispute and demark the park boundary in collaboration with key stakeholders • Restore good relations between disputing parties
Target: Benefit sharing with local communities improved and maintained
<ul style="list-style-type: none"> • Improve and maintain benefit sharing schemes • Implement assisting communities in sustainable income generating programs

Conversely, the SNP Outreach Department’s three-year Action Plan contains an extensive list of activities to facilitate training and various types of instructional and consultative meetings and surveys with adjacent villages. The park’s outreach plan lacks numeric targets (number of meetings, communities, etc.), lists of communities and stakeholders and descriptions of types of multi-level institutional/consultative activities to be undertaken with adjacent communities.

Table 4-2. General Assessment of execution of Saadani’s park outreach targets and activities in the 13 villages involved in the research (Source: Saadani PMP, interviews, village documents).

Agency’s outreach plan and current challenges in park-villages interactions
Status of implementation of outreach targets
Target: Natural resources outside SNP sustainably managed
<ul style="list-style-type: none"> • Park managers seldom (if ever) involved in community level consultations on CCAs, discussions of environmental committee performance or village conservation goals • No visible effort in conservation training for villages since 2003 (before the establishment of the park) • No park engagement with village committees to address LUP strategies or concerns on CCAs • No reporting from park to communities
Target: Conservation awareness in local communities adequately raised
<ul style="list-style-type: none"> • There is an evident degree of awareness in adjacent communities on the importance of conservation, which pre-dates the creation of the park • Videos are shown in schools on an annual or bi-annual basis. Interactions with schools are not related to or connected with village level environmental committees, leaders or environmental CBOs • Currently applied resource protection and parkland monitoring approaches of fines, physical punishment and legal prosecution, affecting both stewardship and awareness of the nature and importance of conservation
Target: Community access to park information and services improved
<ul style="list-style-type: none"> • Village leaders not aware of park management plan consultation process or PMP document/goals • Park laws inapposite to community stewardship of protected resources and inhibiting harmonious interactions • No devised or applied strategy to increase village bodies’ awareness of park management rules and goals. Showing videos in schools occurs variably, from every 6 months to once every two years
Target: Park-people connection mechanisms developed
<ul style="list-style-type: none"> • Security warden/rangers working in isolation from outreach department • No written/delineated problem solving mechanisms in place. Sporadic park-manager village interaction for social rather than institutional purposes • No devised conflict management system in place • Crop raiding incidents are largely unattended, while human presence in parklands is timely and harshly dealt with
Target: Disputes on park boundaries resolved
<ul style="list-style-type: none"> • Current PMP (from 2009) acknowledges the existence of boundary conflicts, with no clarity from management on the scope of the problem and approach to solving conflicts. District level interventions sought by both park and village authorities, without a clear or systematic mechanism devised to date • Official demarcation of boundaries carried out without community involvement and leading to strenuous multi-level demands, misunderstandings on extent of community territories, and issues for village level stewardship and governance
Target: Benefit sharing with local communities improved and maintained
<ul style="list-style-type: none"> • Widespread one-time contributions towards development facilities, with total investments surpassing TANAPA’s policy on development support to adjacent communities • No visible strategy in place to work on establishing alternative income generation alongside village bodies, or on initiatives like, community-based conservation. At one time, the park served as a channel to deliver funds to a village where a Wildlife Management Area had been proposed

The outreach plan also does not include specific policy actions or mechanisms to connect grassroots agency to landscape level conservation processes or to enable established grassroots institutional processes to contribute towards addressing poaching and related conservation challenges. Table 4-1 shows SNP's community outreach objectives and targets most directly related to conservation planning and management, as presented in the 2010-2020 Park Management Plan (PMP).

On the whole, the park's annual reports on community outreach list development facilities which have received financial contributions, the ward and district meetings the warden has participated in, and the names of villages where "conservation education" (the showing of videos in schools) has taken place. Table 4-2 presents a general assessment of execution of Saadani's park outreach objectives in the villages participating in the research.

Park Criteria on Conservation Offences and Poaching Statistics

The park's cumulative reports on offences, gathered by SNP's Resource Protection Warden, describe the criteria to assess poaching and some aspects of the management approach to address threats to conservation. These reports show there has been a seven fold increase in poaching in the last seven years, skyrocketing from 32 offences in 2005 to 224 offences in 2011. The 2012-2013 report states that there were 80 offenders sighted during the 2012-2013 year, of which 13 escaped. The types of offences, and their number of recorded incidences, included: illegal hunting and fishing (20), tree logging (6), grazing (17), charcoal burning (7), firewood collection (4) and unlawful possession of firearms (13). By fining herders, the park collected TSh \$ 3.5 million and drove out a total of 2570 livestock from the park, while four police cases were filed against some of the herders. Details on types and amounts of weapons confiscated in this same year show wire snares, with 348 confiscated, as the most used for hunting, followed by muzzle loaders, with 31 confiscated inside and outside the park (in village settlement areas). Moreover, 13 weapons including rifles, shotguns and pistols were confiscated outside park lands. From these offences, 27 new court cases were opened and 25 people were fined "according to park compound offences". The report from the Resource Protection Warden also articulates the shift from subsistence to commercial poaching. Poaching mostly originates in areas outside the park and is often connected to CCAs/forest reserves

surrounding the park, where there is a large presence of wildlife and wildlife corridors. The report ends by stressing the need for more financial resources to increase and improve patrolling, yet also states that the ideal approach to conservation in Saadani will come from “winning the hearts of people through education, compensation and tangible benefits from wildlife conservation” (Saadani National Park, 2013).

“The problem is huge. It is fifth or sixth year now[and] we have been complaining, and nothing has been done... For things like this, the government should take [fast] measures, so that justice is done to citizens. Second, when aid is given, for example, aid for environmental conservation... , then the aid should not be lending [to] leaders seminars, [or] fuel allowance[s]. [Aid] should aim [to] solve citizen problems, help them get rid of bad fishing ways, to help in finding proper fishing tools. We do not understand where the money goes. Maybe they use it themselves for conserving the environment, but that is not done. The environment is destroyed because the money... is used [in] way[s] it is not supposed to be used”.

Village Chairman

Economic Benefits

All villages have received percentages of park contributions for development facilities. Interview data with SNP’s wardens and village leaders, as well as village documents, park reports and field observations reveal numerous one-time park contributions to adjacent communities of about 30% of actual costs of each development facility. Chapter Three of this dissertation, documents that up to 36% of park revenues have been channeled to adjacent communities in a single year. These findings on shared economic benefits are more significant considering the fact that the revenues of Saadani National Park do not provide for all budget costs, meaning SNP is a regular receptor of reallocated earnings from other parks in Tanzania. These various types of development facilities include water dams, wells, health and school facilities, health and school supplies, transportation to sports events and invitations to end-of year celebrations.

On the whole, park contributions are largely focused on development needs rather than on improving local livelihoods or supporting alternative environmentally-friendly income strategies. In sum, the data elucidates that adjacent village efforts in conservation are not directly supported by park revenues and/or connected to park

management approaches. With the exception of two communities⁴ there is no direct link between village and park conservation efforts. In terms of employment benefits, 10 out of 13 villages have no members employed by the park. However, outsiders from Arusha and other regions occupy position at all levels of park planning and management, as well as casual labour.

4.6.5 Spatiality, Institutions and Interplay

This last subsection of the findings is divided in two parts. The first part details the extent of spatial and institutional challenges between the park and the 13 villages participating in the research. The second part expands on these challenges by elaborating on the nature of institutional interplay and the specific spatial and institutional prerogatives and outcomes of this interplay between the park and adjacent villages. This discussion illustrates the relationship between park and communities and the impacts state approaches have had on social-ecological communities within the larger landscape.

Spatial Disagreements and their Institutional Repercussions

Disagreements on boundaries and the geographic extents of parks lands are pervasive in the areas ceded or seized during the formation of the park between 1998 and 2005, (most of which are located south of Mligaji River), and the areas under former development and conservation interventions (located north and South of Mligaji River).

To the north of Mligaji River, at least three of the eight communities connected to the former Mkwaja Ranch felt no engagement took place to gather community concerns on designating the full extent of the Mkwaja Ranch as park lands. This is despite the clear relevancy of this area to the communities, because of livelihoods, sacred places and sub-village settlements on Ranch lands. Institutional struggles connected to spatial reorganization are primarily focused on having lands “leased” to the ranch returned to villages (Mkalamo, Mikocheni and Mbulizaga), and

⁴ One of SNP adjacent villages has received funds from WWF for planning of a wildlife management area through TANAPA channels. The other village has agreed to have one of their community conserved areas patrolled by SNP security.

gaining full control of resources within current village lands (Sange, Kwakibuyu, Mbulizaga, Kwansisi);

South of Mligaji River, no fewer than four villages are disputing boundaries and areas with the park. Struggles connected to spatial reorganization involve rectifying the locations of permanent park boundary beacons encroaching into village territories (Mbuyuni, Saadani, Matipwili and Mkange), receiving compensation for ceded lands (Matipwili and Saadani) and recovering village areas unilaterally registered as park lands or under the control of park authorities (Saadani, Matipwili, and villages South of Wami River). Map 4.8 illustrates the nature and location of boundary and lands disputes, and other park-village conflicts. A geographic appraisal on the connections between spatial mismatches in SNP – provided in Map 4.7 and Map 4.8 – regarding the geography of Saadani’s challenges, suggests there are important spatial overlaps between conflictive boundaries (Saadani village, Wami River and the west side of the park) and zones where differences among park polygons are most significant.

“The people of “community outreach” do not ever come for village meetings. Even when we call them they don’t want to come. What type of community outreach [is that]?”

Village Environmental Committee

Interplay among Park and Village Actors

Absence in interplay is demonstrated through several examples. Persistent gaps in institutional engagement have limited the level of knowledge of village level actors. Interviews with Village Councils and their representatives reveal that village leaders are unaware of the existence of SNP’s 2010-2020 Management Plan, despite official park statements (included in page 8 of the plan) suggesting that the plan is an outcome of park-village consultation and collaborative planning processes (Tanzania National Parks Authority, 2009, p. 8). None of the 13 villages’ decision-making bodies have been provided with access to the plan. The management plan is also not available in Swahili, which further complicates the ability of grassroots actors to assess park level decisions.

Absence in interplay is also visible in the lack of reporting on security and community outreach program activities to adjacent village leaders. This state of affairs becomes increasingly problematic because of SNP's misplacement of village-park correspondence, and the seldom acknowledged one-way communications from villages to park staff, inviting them to village meetings and to engage in collective decision-making. Overall, the data suggests that landscape level institutional interplay and spatial reorganization strongly resembles the situation faced by Saadani Village. Meaningful, informed and collective decision-making has been absent on both the northern and southern sides of the park.

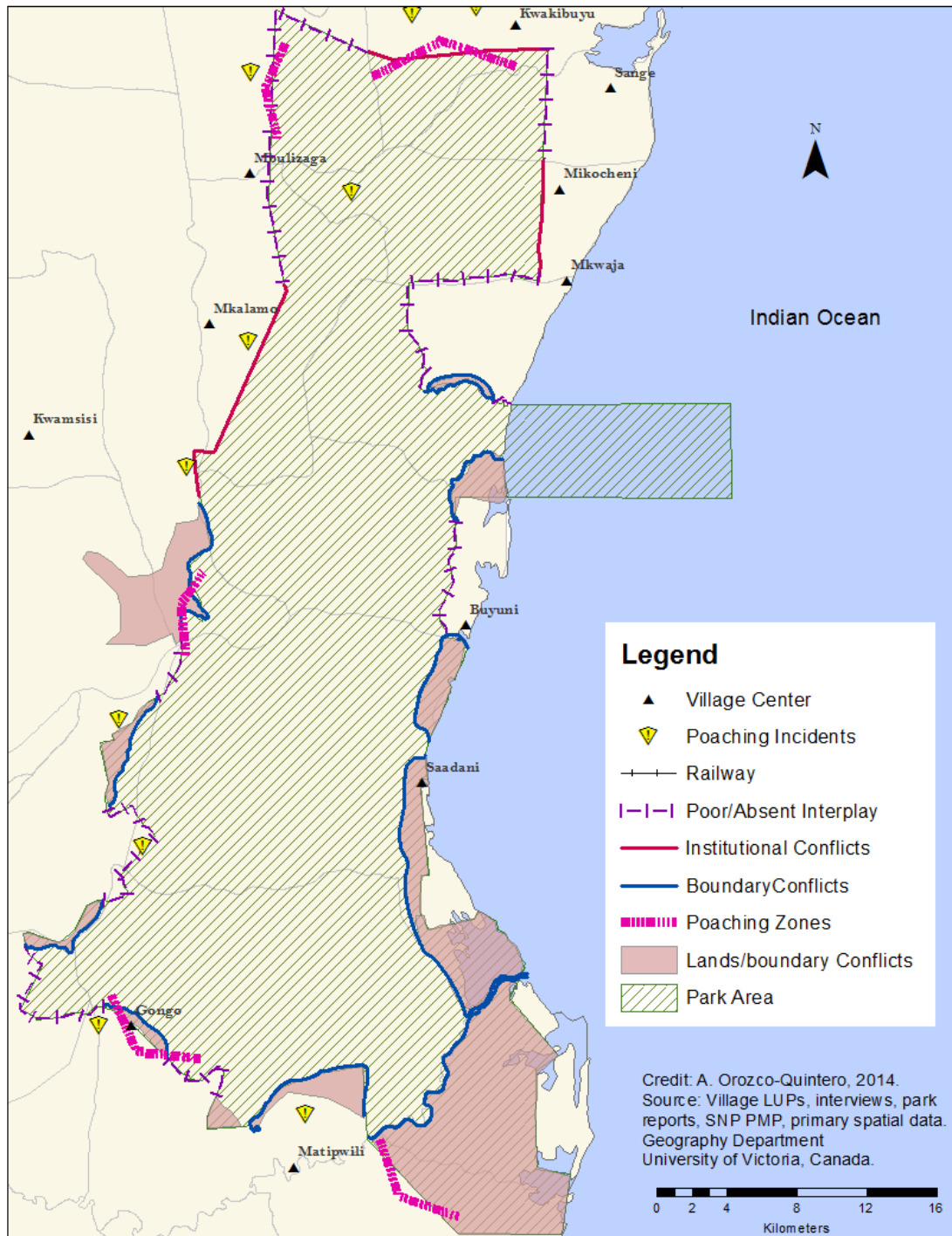
Overall, at least half of the 13 villages participating in the research have significant disagreements with the park, and at least half of the villages have CCAs. Significantly, poaching activity has often been linked by park wardens to CCAs. CCAs are also recognized as important because of their function as wildlife corridors, dispersal areas, landscape connectivity and for other ecological functions. Figure 4-3 lists some prevalent issues between SNP and adjacent communities in relation to broader analytical areas including park lands and boundaries, park planning (governance) and management, and conservation and development. Figure 4-3 also shows some of the spatial and institutional implications of prevalent issues. The main sources of the data were interviews with Village Councils and key informants.

These gaps and challenges in institutions, interplay and spatial reorganization describe a more subtle pattern in state-managed approaches, which is the aim to separate – at all costs – people from nature in order to practice conservation (Dowie, 2011; Gibson & Marks, 1995). State-based conservation, which has been assessed as unfit to satisfy the needs of either ecological or social communities in the Saadani landscape, can be characterized by:

- a) Unilateral actions by park actors. These actions include: underhanded installation of permanent park beacons, and their unilateral placement (often found to encroach into community lands); Or, on the contrary, unclear or not socialized parkland limits and boundary lines, which affect village bodies assertions and actions in communal territories; forced expropriation of village lands from unilateral spatial reorganization; reiterated incursions into village lands by park security personnel to identify poachers without engagement of village leaders;

and, unreported and unrequested trespasses by park security into community conserved areas for unknown reasons.

- b) A draconian approach to wildlife conservation. Visible through the application of a fines and punishment approach regardless of the types of offences, which impose a forceful separation of villagers from surrounding park lands of socio-cultural significance;
- c) Problems with “moving boundaries”. Incremental and unpredictable restrictions on what are considered to be village resources, where villagers are penalized for using materials for construction from within what they consider to be village boundaries, or resources from community conserved areas (CCAs).
- d) Ineffective and infrequent community outreach interactions. These interactions are solely focused on presenting videos to schools and/or giving park reports at ward and district level meetings. SNP’s outreach actions are not relate to consultations and conservation decision-making with village level bodies and leaders, or to park-village collaborative management on poaching and conservation, despite the degree of grassroots agency and the PMP outreach goals.
- e) Fundamental conflicts and contradictions between park laws and village by-laws, and between park approaches to villager presence in parklands/borders and villager connections to gazetted territories.
- f) Meagre (if any) positive impacts on grassroots conservation and livelihoods. No park support for CCAs or conservation-friendly ventures; negligible employment and other benefits; and overdue and/or disregarded compensations for lands given to/taken by TANAPA. All of these inactions have become a burden in village institutional processes and exacerbates poverty.
- g) Disregarded negative conservation impacts on village livelihoods. Crop raiding and other wildlife disruptions and related losses go unaddressed, and fuel institutional antagonism as villages engage in endless demands for crop compensation and evaluation on threats from wildlife.



Map 4-8. Location and nature of conflicts between Saadani National Park and adjacent villages. Only the polygons comprising Saadani village coastal lands and lands south of Wami River show actual extent of areas under dispute. All other disputed areas polygons are meant to show only location but not exact extent.

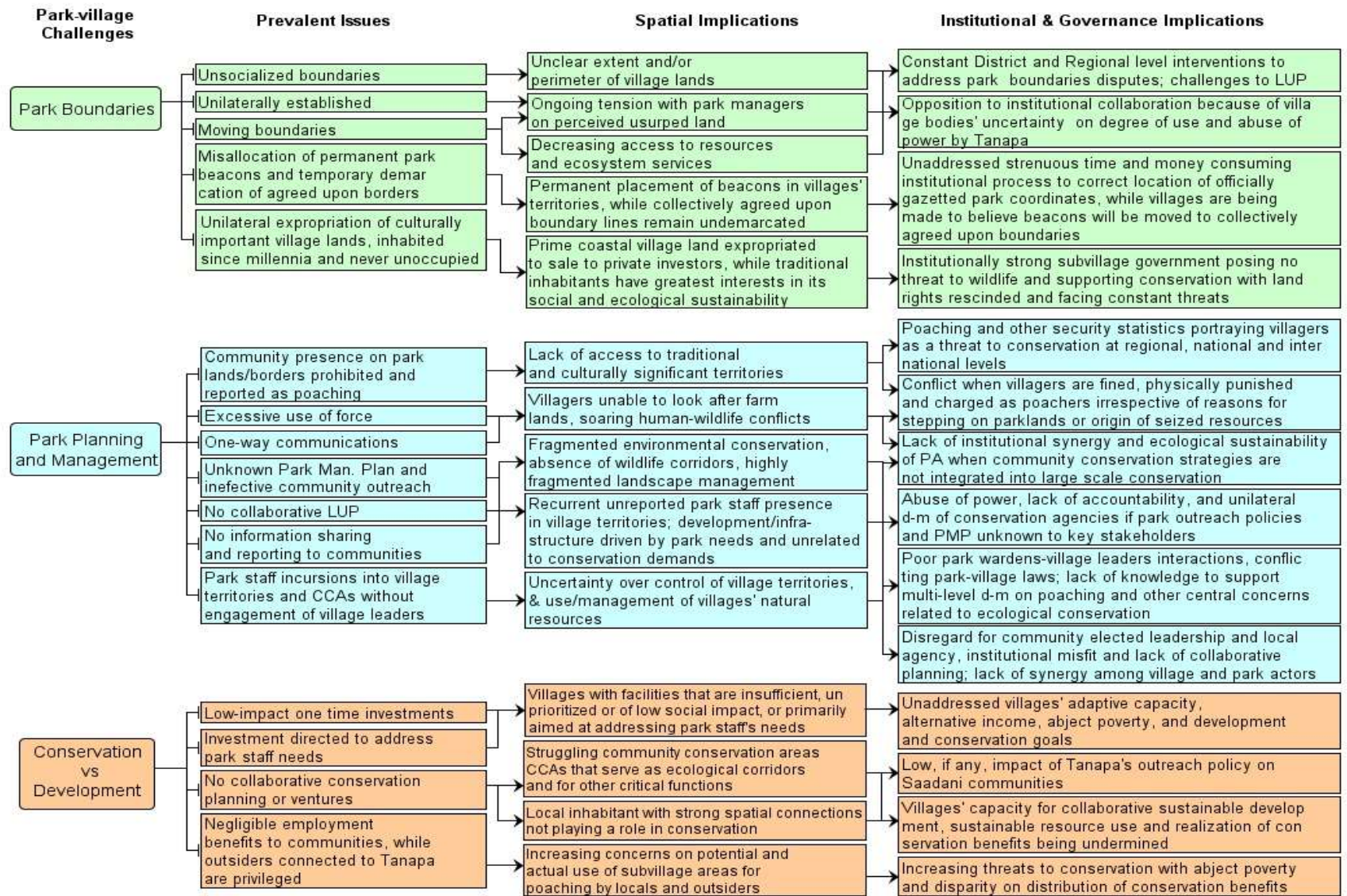


Figure 4-3. Challenges in park-villages interactions and their spatial and institutional dimensions (based on primary qualitative and spatial data).

4.7 Discussion

Interventions in the Saadani landscape have had very direct spatial and institutional consequences. Although all interventions have involved national actors, the particular case of SNP has more comprehensively affected the capacity of various levels of social organizations to do their part in environmental conservation. This is because of the steps national agencies have taken to separate human from protected landscapes. TANAPA's conservation goals and approach can be linked to the dominant paradigm that often guides large scale conservation efforts. A paradigm that separates people from nature, and which relies on conceptualizing PAs as homogenous ecological units that have no relationship with cultural diversity. This approach to conservation has been employed in SNP, contradicting proclamations of the central importance of community involvement in creating SNP. .

In the context of pressing global environmental needs and the significant progress achieved thus far through efforts to minimize the rate of biodiversity loss, the case findings are particularly problematic. First, the impacts of top-down, widespread, conservation efforts on communal land tenure and welfare of communities engaged in conservation highlight clear mismatches between institutions operating across levels. Village bodies' devised and applied approaches, degree of organization and stewardship of nature speak of their degree of agency. As currently exercised in the Saadani landscape, agency highlights the importance of developing an effective approach to harnessing human potential in efforts to preserve ecological wealth. However, such awareness and volition at the grassroots level has not been directly connected to larger conservation efforts or systematically supported through multi-level interactions among village, park, ward, district and regional authorities. In this regard, the lack of fit between institutions within the national park model and community reliance on and ancestral connections to territories poses a significant challenge to gaining community support to state-managed conservation.

Enabling synergies among grassroots conservation actors and national conservation agencies requires significant changes in institutional design, particularly in clear engagement mandates and accountability mechanisms. Yet it is the particular

conceptions of place and spatial control goals, and the interplay through which they have been imposed, which has more significantly undermined conservation efforts. To be clear, the findings suggest that what has determined the nature and magnitude of conflicts within Saadani National Park is the way actors have exercised their powers as much as the institutions by which they are guided. Governance procedures determining progress, or the lack thereof, in terms of social consent and legitimacy, grassroots support to state conservation and environmental sustainability are related to various issues in authority and approaches to conservation. These include specific, unequal and exclusive authority and spatial reorganization prerogatives.; the ethics behind conservation approaches; top-down planning and management, conservation institutions; disregarded or unattended impacts of conservation on community livelihoods, and ineffective, infrequent and isolated park-villages interactions.

However, TANAPA's approach continues to be applied, despite clear assertions by village bodies on the need for an institutional rather than economic solution (as described in Chapter 3) to current challenges between the park and adjacent villages. Clearly, the greatest driver in the emergence of current challenges are power prerogatives, the degree of spatial control current legal frameworks vest upon actors at higher levels and the absent or negative interplay between the park and lower level of social organization. On the other hand, through fair and principled interplay (that respects land tenure and communal rights), important shared goals on the protection of nature could have enabled park actors to realize the potential of and benefits from multi-level cooperation, despite constraints imposed by the dominant legal framework for environmental conservation.

Management strategies have in turn been strongly shaped by park governance, affecting the fit between park and community resource management and land tenure institutions. However, mindful of the importance of sharing benefits, park strategies have been inappropriate for fostering collaboration as they are solely focused on supporting development facilities.

It is fairly simple to deduct how logistical consideration, and even cross-level institutional and other capacity limitations, make it practical to plan and implement

conservation primarily through national level agencies. Yet if national actors are inadequately and unjustly set on replacing ancestral grassroots actors and institutions for higher, spatially disconnected and often unaccountable actors, how practical is it to support a conservation approach that defeats its very purpose? This is in part explained by the degree of power which overarching conservation institutions, such as the TANAPA Act and the Environmental Management Act, vest in national actors. This power has come into conflict with overarching frameworks addressing critical needs on communal land tenure and local governance, specifically the Local Government Act and Village Lands Act. Previously documented actions of state-based conservation (Arun Agrawal & Redford, 2009; Brockington & Igoe, 2006), as well as the findings of this research project, illustrate how spatial imaginations among national and global conservation actors conceive PAs as confined and static landscapes, susceptible to market-based land and resource arrangements. State-led PAs that lack cultural diversity, which has been recognized as critically important to sustain ecological diversity (Colchester, 1994). This human vs nature conservation paradigm and entrenched dichotomy informing conservation in Saadani is destructive and inequitable for this landscape. A landscape whose ancestral communities have been concerned with and actively engaged in protecting nature.

The nature of TANAPA's authority and decision-making prerogatives for the Saadani landscape have been impacted by multiple factors.. These include institutions framing park level actions, the international support enabling the establishment of SNP and global efforts to expand PAs, at any cost. How has the broad support for national parks, and the focus on national governments as the primary actors in biodiversity conservation, mirrored the actual anthropological interventions causing biodiversity losses all around the world? This the most critical question answered by this chapter. The case of Saadani provides the necessary basis for shifting mainstream conservation debates, and influencing environmental discourses, away from stark separations of people and nature. It also compels a critical examination of global conservation agendas, which are primarily informed by ecological data and focused on the management efforts (the *what* to do), rather than the governance approaches (the *who* and *how*), that can more

successfully address efficiency, effectiveness and equitability in environmental conservation.

4.8 Conclusions

The detailed analysis of Saadani's most significant conservation interventions, SGR and SNP, help to answer the question of how institutions and interplay affect spatial reorganization, and with it, sustainability outcomes in state-based conservation. More precisely, it has served to gain a profound understanding of the relationship between environmental governance and spatial reorganization and the ways in which spatial outcomes affect the social and ecological sustainability of the Saadani landscape. This analysis has also demonstrated the particular role grassroots communities play, in what has become a landscape fully controlled by national conservation actors.

It should come as no surprise that the specific conflicts facing Saadani village and Saadani National Park resemble landscape level park-community processes and the broader national conservation dynamic (Benjaminsen & Bryceson, 2012; Benjaminsen et al., 2013). Indeed, what is most problematic are the approaches to environmental governance. Central dimensions of governance in environmental conservation were identified as: persistent boundary disagreements and land conflicts, off-parkland resource control prerogatives, approaches to land-human-wildlife interactions, unilateral inclusion of village territories as park lands, as well as community planning and collective actions on conservation and spatial organization. Within the governance realm, nested institutions, multi-level interplay and arrangements and their associated spatial entitlements can directly support innovation (Frank Biermann et al., 2012; Young, 1997, 2002b) and/or enable multi-level cooperation and success in conservation.

Regardless of whether TANAPA's authority and decision-making prerogatives have been bolstered by individual political interests, national governance frameworks or socially desensitized and economically powerful international conservation lobbying, conservation in Saadani is consistently defined as a matter of spatial control rather than as an outcome of functional governance. This definition has in turn engendered approaches that have affected both how human-nature relations are formulated and the radicalism of

conservation approaches. Yet, mounting empirical evidence indicates the variety of ways in which biodiversity can be diminished. These include: by narrowly defined PAs that give little attention to the long-term effects of landscape fragmentation, ecosystems size and lack of genetic exchange (Báldi & Vörös, 2006); by conservation efforts that fail to focus on the actual impacts on biodiversity when poaching and harvesting efforts are displaced instead of abridged (Hilborn et al., 2006) and; by approaches that disregard the interdependence between biodiversity and scale, where positive conservation results on narrow ecological regions may prove inadequate when applied to larger landscapes (Mora & Sale, 2011). Equally relevant to SNP are current concerns on the actual wildlife and environmental impacts of poorly managed protected areas (Christie, 2004), and findings on record declines in global biological diversity (Butchart et al., 2010; Stokstad, 2010; WWF, 2014b), much of which is connected to protected areas.

Community rights and participation in conservation have been effectively acknowledged and incorporated into current environmental discourses. However, it is also evident that such rights are still marginally comprehended and applied at the level of practice, both in Tanzania (Brockington, 1999; Goldman, 2006; Goldstein, 2004; F. Nelson et al., 2007) and worldwide (Brown, 2003; Dowie, 2011). Yet what is most significant in the Saadani case is not institutional misfit or lack of interplay among various levels of social organization, but the ethics behind approaches to conservation and the spatial reorganization outcomes which emerged.

Whereas the number of voices appealing devolution of authority on resource and environmental matters to lower levels of social organization (Andersson, Gibson, & Lehoucq, 2006; Ostrom, 1999, 2005) is expanding globally, the central question in Saadani revolves around devolution as much as on shared jurisdiction. In SNP, policy, institutional and organizational measures that may have fostered collaboration are an outcome of goodwill. This is because there is no actual framework or mandate to enforce meaningful multi-level engagement (fair interplay) in conservation planning and management. Such a framework, or the lack thereof, has proven inadequate to foster necessary partnerships, to gain legitimacy, and most importantly, to gain respect for communal tenure rights and the cultural diversity that enriched biodiversity in the first

place. This is a complex and central issue for Tanzania, whose conservation areas include over 30% of its land base and close to 20% of the nation's freshwater/marine environments. TANAPA's framework for environmental conservation sharply contrasts with and has come to undermine Tanzania's legislated and fully established framework for grassroots governance, which seem to be positively impacting collective decision-making and accountability in rural areas (as discussed in Chapter Three).

In summary, there are many lessons to be learned from the Saadani case. Ecological sustainability can be undermined by institutional misfit, when applied approaches are out of sync with social-ecological characteristics. Conservation institutions can effectively undermine the sustainability of PAs if they are designed to challenge collective land tenure institutions, and the importance of fair multi-level interplay and governance. Of course, if interplay affects the roles (agency) of actors in environmental conservation, it also further affects institutional fit. Sound ethics, institutional fit, fair interplay and a full recognition of the importance of spatial interconnectedness (among communities and ancestral territories) emerge as central aspects to enable the preservation of biodiversity. Indeed, a finding worth emphasizing is that conservation effectiveness, efficiency and equitability and ultimately environmental sustainability are directly proportional to the recognition of connections to and the significance of place to traditional inhabitants, and, more importantly, to respect for their rights to land and resources.

Chapter 5: Governance Architectures, Institutions and Interplay: Sustainability in Conservation in Canada and Tanzania

5.1 Abstract

Many decisions around land and resource use that determine the sustainability of the earth system take place at the household and community level, yet are shaped by structures and processes of governance at higher national and international levels. A key element in the causal pathways of earth system governance, therefore, is how the architecture of governance at higher (global and national) levels shapes governance at lower levels, and vice versa. In particular, the interplay between distinct but interlinked governance frameworks enable and constrain interactions among players within and across various levels of social organization. It is this kind of complex interplay—for instance, frameworks around land tenure and legislation on local government on the one hand, and legislation and policies relating to conservation and protected areas on the other—as much as the explicit details of particular frameworks that determines resource allocation, the nature of collective local action, the adaptiveness of local governance processes, and the degree of success of national environmental and resource management agendas. Interplay can enable multi-level engagement/governance and collective multi-stakeholder action, or it can prejudice one level over the other. For example, interplay can favor international conservation objectives over local well-being. Drawing on case studies involving protected areas and adjacent communities in Canada and Tanzania, this chapter explores ways in which this kind of interplay affects both the capacity of rural communities to face and adapt to current challenges of sustainable resource management, ecological conservation and the potential for simultaneously achieving multiple stakeholder objectives.

5.2 Introduction

Ongoing transformations of the world's ecosystems point to the importance of capacity to adapt to change in the pursuit of sustainability (Gunderson, Holling, & Peterson, 2002; Raskin et al., 2003). The creation of protected area (PA) systems has been a major strategic component of many environmental governance regimes and a

cornerstone in the pursuit of sustainability (Dearden et al., 2005). However, numerous challenges in achieving protected area objectives and in addressing their legitimacy highlight the need for more holistic and inclusive approaches in their conception, management and governance (Brosius, 2004; Dudley et al., 1999; Hoole & Berkes, 2010; Pimbert & Pretty, 1995). Accumulating research suggests that despite the existence of national level governance structures enabling environmental conservation, and the existence of an array of subsidiary arrangements guiding the creation and management of national parks, these have so far had mixed results in achieving environmental goals. This is both due to constraints resulting from interplay with wider socio-economic frameworks, as well as institutional mismatches with various levels of social organization (Brandon et al., 1998; Christie & White, 2007; Duffy, 2006). Governance has thus become one of the leading concerns in the study of PAs (Borrini-Feyerabend et al., 2004; Dearden et al., 2005; Dudley et al., 1999; Graham et al., 2003; Jentoft et al., 2007). Environmental governance generally, and in particular, institutional structures and processes, play a fundamental role in fostering adaptive capacity (Robinson & Berkes, 2011), as catalysts in the emergence of conservation and management strategies, and in shaping social and environmental outcomes (Underdal, 2008; Young et al., 2008).

Understanding how to pursue sustainability of protected areas is further complicated by the multi-level and multi-purpose nature of conservation, where conservation and development strategies often diverge and both the survival of communities and the maintenance of healthy ecosystems are at stake. Protected areas can be seen as systems that commodify nature through the alternative incomes emerging from their protection. Overall, they have been approached both as another pathway to environmentally sensible economic development, of global importance in international development frameworks such as Millennium Development Goal No. 7 (Millennium Ecosystem Assessment, 2005), or as an approach to environmental conservation, as directly contained in two of the four programmatic dimensions of the Convention on Biological Diversity Programme of Work for protected areas: Direct Actions for Planning, Selecting, Establishing, Strengthening, and Managing, Protected Area Systems and Sites; and Governance, Participation, Equity and Benefit Sharing (Dudley et al., 2005).

Against this background of challenges and the complexity inherent in the conservation of nature, this chapter explores causality in governance. In particular, it addresses the question of how governance architectures and multi-level interplay affect agency and adaptive capacity, and ultimately the social and ecological sustainability of protected landscapes. This is done through an analysis of empirical findings on governance and management processes within and around two national parks. Case study research was carried out on overarching architectures and the nature and causal effects of institutions and multi-level interplay in environmental governance processes taking place within Pacific Rim National Park Reserve (PRNPR), located on the West Coast of Canada, and within Saadani National Park (SNP), situated on the central coast of Tanzania. The findings affirm that overarching institutional frameworks are important in empowering and disempowering different actors, and for creating the environment in which decision-making for national parks is carried out. However, these cases also show that the ability of agents to affect environmental outcomes, to achieve social legitimacy and institutional collaboration, and ultimately to enable agencies to attain multi-level cooperative management of protected lands is also profoundly affected by the nature of horizontal and vertical interplay, which connects community and park institutions to each other, other actors and to institutions in the overall regime. The nature of this interplay, moreover, is not determined solely “from above” by such frameworks, but also results from factors such as the nature of interpersonal relationships of the individuals involved, and by calculated political choices by actors at different levels. This has important implications for addressing social and ecological challenges in state-managed conservation.

5.3 Conceptualizing Environmental Governance

Governance systems are crafted based on institutional frameworks to structure actions, and assign roles and powers to specific actors with a stake in a specific resources and/or geographic area (Kooiman, 2003). The role institutions play in shaping governance approaches is widely accepted (W N Adger et al., 2003; Berman et al., 2012; O’Riordan & Jordan, 1999; Paavola, 2007; Young, 1999b). No system can function without institutional structures, yet institutions are still inadequately understood.

Conceptual premises guiding the theoretical and subsequent empirical analyses include understanding *institutions for governance* as sets of binding rules, rights and normative procedures that frame collective decisions and actions, determine actors and steer their interactions (Young, 1999b). *Adaptive capacity*, in turn, is more comprehensively defined as “a system’s ability to deal with stresses and take advantage of them to improve performance” (climate change and social-ecological systems literature). With these definitions in mind, and taking into consideration the objective of analyzing the adaptability of institutions and its effect in environmental governance, we draw on the above concepts to define the *adaptive capacity of an environmental institution* as “the ability of a decision-making or collective action framework to strengthen legitimate actors’ collective ability to act, assess, learn, decide and apply learning to address ecological challenges, so as to minimize negative impacts and/or master sustainable coping responses”. Further, *governance* is distinct from *management*. Management comprises the set of activities or strategies to address ecological problems or to achieve ecological goals, while *governance* refers more broadly to the level of social organization that allows management strategies to be designed and implemented. As Robinson puts it, “management deals with content of decisions - or the *what* - and governance refers to the *how, who* and *why* of decision-making” (Robinson, 2011, p. 3). Further, in the context of protected area systems, *agency* is understood as the ability of a group, organization or individual (*agents*) to participate in decision-making processes, to influence institutional arrangements and the outcomes of environmental systems (F Biermann, 2008). *Governance architectures* and the dynamics which emerge from them are a critical area of enquiry. Particularly relevant to this chapter is how environmental institutions and a systems’ performance is affected by overarching frameworks (Cash et al., 2006), and the extent to which multi-level cooperation is enabled through cross-level institutional interplay among actors. In this respect, determining how agency is shaped by environmental institutions and enabled through specific decision-making frameworks is critical, yet unclear, particularly for state-managed protected area systems where there are legitimate players at both grassroots and higher levels. To what extent are the exercising of agency across levels and the adaptiveness of institutional frameworks and organizational approaches centrally important to addressing social and ecological

sustainability in state-managed conservation? Despite the array of actors engaged in various processes of environmental governance and considering the debates on the relevance of the state (Raustiala, 1997) these actors have inspired, the cases under scrutiny in this chapter pinpoint the relevance of further explorations of state agency. In both national parks, agency of grassroots and state park actors appears critical to addressing ecological sustainability and gaining necessary social legitimacy. Moreover, the conditions under which agency can be enabled, the different approaches to agency as manifested by culturally interlinked actors, and how agency at one level impacts the exercising of agency at other levels are also explored through this research.

There are important questions here regarding causality in relation to governance and agency. Scholars have point out that early studies have tended to assume, usually implicitly, that a single behavioral mechanism is sufficient for a complete explanation of causality (Young, 1999b). Different schools of thought emphasized either rational calculation, norms or discourses and cognitive factors, with institutions being assumed to be merely transmitters of causality. However, an alternative view has emerged which treats these three strands as three pillars of institutions (Scott, 1995), and which treats institutions themselves as causal factors. It is now increasingly accepted that causality in governance is multi-dimensional, involving an array of factors such as belief systems, actor networks, diverse institutions and others that *together* shape relationships among different social actors and different components of local ecologies (F Biermann, 2008; Leach et al., 1999). Both intrinsic and extrinsic drivers influence institutions, which in turn shape societal responses to environmental challenges (Biermann, 2008; Young et al., 2008). A focus on causality is particularly useful to the understanding of how institutions directly and indirectly account for current and/or ongoing challenges in dealing with environmental change. In Young's view, causality does not take place in a simple, logical way through easily identifiable variables. Instead, the causes of detrimental environmental outcomes are multiple, interlinked, synergistic, and therefore, complex to identify (Young et al., 2008). Such an approach to the analysis of institutions for environmental governance redefines our concept of institutions, the influences they exert, and the approach to evaluate governance outcomes.

Interplay is another important analytical dimension of systems for environmental management. Analyses of institutional interplay and cross-level dynamics in environmental regimes suggests that environmental systems characterized by multi-level interactions are shaped by: underlying formal and informal institutions influencing player behaviour and goals (Young, 2002b); the degree of collectively generated and applied knowledge (Cash et al., 2006); and prevalent discourses, the power of actors and socio-political dynamics (Young, 2006). Young (2006) further asserts that the linkages or types of arrangements emerging from these multi-level interactions determine the degree of impact a system can have in terms of environmental sustainability, socio-cultural and economic well-being and overall regimes' strength (Young, 2006). In this respect, the analysis on cooperation and adaptability in state-based conservation would benefit greatly of broader inquiries on the processes of interplay, building of capacity, and exercising of agency and underlying perceptions of and connections between humans and nature, but also inquiries on the overarching frameworks that often distinguish conservation practice between state and other actors.

Adaptive capacity is often connected to or equated with resilience (Folke, 2006), and is under increasing scrutiny as a concept, both in the natural and social sciences as actors at multiple levels become more acutely aware of complex issues of sustainability for both the natural and social systems they are connected to. The Earth Systems Governance (ESG) research framework has identified adaptiveness as a critical research topic. In particular, looking at the politics of adaptiveness, who benefits from adaptiveness (F Biermann, 2008), and to what extent it fosters justice and collective welfare for the interests of a powerful few are central areas in research on international environmental regimes. As it is approached here, *adaptiveness* can be both a desirable and undesirable capacity depending on the qualities of the systems. While there is little doubt on how important environmental conservation is to the long-term survival of social-ecological systems, what is problematic is that the purpose of and approaches to conservation, more often than not, lack necessary synergistic connections with targeted social ecological systems, and fall short of recognizing and address the centrality of spatial interdependence to ecological success. Therefore, a critical step in the study of systems for environmental conservation is the assessment of their capacity to respond to

new learning on actual threats; to evolve to integrate checks and balances for ensuring transparency across levels; to enable action to address factual challenges on interconnectedness and interdependence; and to fully integrate various level of social organization in the design and implementation of conservation approaches. To address some aspects of this gap in the understanding of environmental governance processes and outcomes, this chapter examines causal relationships among architectures, interplay, agency and adaptive capacity.

5.4 Case Studies Background

5.4.1 Pacific Rim National Park Reserve

Established unilaterally in 1970, Pacific Rim National Park Reserve (PRNPR) became the first national park on the West Coast of Canada. Its status as a “park reserve” has its roots in ongoing or unsettled First Nations land claims and treaty negotiations, and allows Parks Canada Agency, the agency responsible for national parks, to continue implementing federal national parks conservation policies, while also permitting First Nations claims on park lands to also be made (Parks Canada, 2009). The Park is composed of three separate geographic units and is comprised of dense temperate rainforests and unique coastal, riverine and marine ecosystems. These ecosystems are home to commercially important and ecologically diverse aquatic and terrestrial species, and for millennia, home to the cultural, social and economic livelihood processes of the Nuu-cha-nulth First Nations (See Chapter 2 for a map of the park and its spatial connections to traditional Nuu-cha-nulth territories). The West Coast Trail (WCT) on the southern part of western Vancouver Island is connected to the Nuu-cha-nulth traditional territories of the Huu-ay-aht, Ditidaht, and Pacheedaht Nations; the Broken Group Islands (BGI) of the Tseshaht and Hupacasaht and Uchucklesaht First Nations, and the Long Beach Unit of the Toquat, Tla-o-qui-aht and Ucluelet First Nations (Crookes & Haugen, 2010). Parklands are reservoirs of traditionally valuable and diverse resources, and are fundamentally connected to aboriginal identity, traditions, cultural and spiritual practice. As asserted by a Nuu-cha-nulth elder: “the whole territory...makes us who we are...”. Subsequent to its unilateral establishment in 1970, PRNPR has undergone an extensive

process of institutional evolution where multi-level co-operation has been acknowledged as a requirement and adopted as a principal approach to park planning and management.

Canada's history in state managed conservation dates back to 1885, with the establishment of Banff National Park. At present, Canada has 8.5% of its land surface set aside under various forms of protection (IUCN & UNEP, 2013). The agency responsible for the management of national parks in Canada is Parks Canada.

Parks Canada's approaches to environmental conservation have undergone significant changes, from unilateral to more inclusive co-management arrangements. It was not until two decades after the establishment of the PRNPR that a collection of factors led Parks Canada to create programs for establishing and developing links with the Nuu-cha-nulth First Nations of Vancouver Island's West Coast. Currently, national regulatory and other institutional changes have prompted a different mandate for conservation and other agencies to consult and accommodate traditional inhabitants when pursuing the establishment and management of lands and resources.

5.4.2 Saadani National Park

Saadani National Park (SNP) was the first coastal national park in Tanzania, and is located in the Districts of Pangani and Handeni (Tanga) and Bagamoyo (Pwani). SNP territory is comprised of terrestrial, marine and riverine ecosystems hosting a diversity of fauna and flora, and has long been considered an important target area for conservation (Baldus et al., 2001). Moreover, parklands have long been connected to various ethnic communities dispersed through the 17 villages and numerous sub-villages that surround the park. All 17 villages are officially recognized and with functioning governing structures, among which are Saadani, Buyuni, Mkwaja, Mikocheni, Mkange, Kwakibuyu, Gendagenda, Mbulizaga, Mkalamo, Kwansisi, Mkange, Gongo, and Matipwili villages where the research took place. Adjacent villages have diverse connections to SNP lands, including sacred territories and ancient village settlements primordially connected to cultural and spiritual practice and tribal traditions. In addition, parklands have traditionally been connected to a host of collective and individual livelihood activities, including marine and terrestrial trade, salt mining, fishing, pastoralism, hunting,

agriculture, and traditional harvesting of construction materials. Figure 1 show a map of the park, the 13 villages involved in the research and related village-parklands connections. Created in 2005, the park is said to have undergone a four year establishment process with adjacent communities and higher level authorities that was triggered by Tanzania's Park Agency's (TANAPA) own policy on community engagement in park planning and management (Tanzania National Parks, 2005).

Recognized as a leading conservation minded country, Tanzania has a long history in state-managed conservation dating back to the 1950s when the first national park –Serengeti – was established. At present 32% of its land area and 18% of marine or littoral area are under conservation (IUCN & UNEP, 2013). Tanzanian National Parks Agency (TANAPA) is the agency in charge of managing country wide protected areas. In the early 1960s and after its enactment in 1959, TANAPA became the country's central environmental agency for managing national parks, with over 15 national parks at present.

TANAPA's early experimental efforts in community outreach date back to 1988, and have evolved to the national outreach policy framework Community Conservation Services (CCS) (Tanzania National Parks, 2005). CCS is a policy and strategic action framework every park in Tanzania is mandated to implement. Its main purpose is to pursue TANAPA's interests at various levels in collaboration with governmental and non-governmental stakeholders, and to pursue conservation and address benefit sharing. Overarching environmental regulations contain brief mentions of "the need to consult" with communities, but lack a direct mandate on and procedural actions for multi-level decision-making in park planning and management. On the other hand, central legislated procedures account for a direct role by TANAPA on park establishment assessments, proposition, and submissions to the Ministry of Natural Resources for final approval (The United Republic of Tanzania, 2005a, 2005b).

5.5 Methods

The comparative research is based on two primary case studies, whose central components are park-level agencies and adjacent communities. It involved both the

gathering of qualitative and spatial data and was primarily focused on interactions with decision-making bodies and agency representatives at the village/nation and park levels, but also included authorities at higher district and regional levels. The main methods of the research included in-depth semi-structured key informant and group interviews, focus groups, field observation, spatial data collection using GPS, as well as document and GIS analysis. In Canada, research data were collected from March to July 2012 through interactions with four of the nine Nuu-cha-nulth First Nations connected to PRNPR. A total of 17 semi-structured interviews with 15 participants comprise the source of primary data presented here. The participants represented: park program managers and personnel (First Nation Program Managers, and other staff); members of four First Nations governance structures (among which were chiefs, councillors, community liaisons and elders within institutions connected to Parks Canada); and members of one of the Collaborative Management Boards (Official Park-Nation body for cooperative governance of parklands).

In Tanzania, field data was collected from August 2012 to December 2013 in 13 of the 17 villages surrounding the Saadani National Park, but also at park, district and regional levels. Methods included: in-depth interviews with village-level elected and appointed leaders (Chairpersons and Village Executive Officers) from 13 of the 17 villages surrounding the park; focus groups and group interviews with village elected decision-making bodies (Village Councils) of 11 of the 17 villages adjacent to SNP; key informant interviews with village members, district and regional government personnel from Tanga, Dar, and Handeni, Pangani, and Bagamoyo districts; appointed Development and Environment and Research Committees from three Saadani villages; and Saadani's park wardens for resource protection, community outreach, ecology and administrative staff. In total, empirical data for the Saadani case study comes from individual and group interactions with 217 participants.

5.6 Findings

5.6.1 Pacific Rim National Park Reserve (PRNPR)

Influence of Overarching Architectures

Categorized as a “park reserve”, Pacific Rim National Park is a federally managed protected area with unsettled and ongoing aboriginal land claims. The two and a half decades subsequent to the establishment of the park were characterized by: a) strong grassroots assertions and social unrest deriving from unsustainable resource extraction policies (Jeremy Wilson, 1998); b) an increasing awareness on the importance of grassroots involvement in higher level decision-making (Dobell & Bunton, 2001); c) revolutionary institutional changes (Constitution Act) and court decisions upholding fundamental aboriginal rights (Elias, 1989); and d) the enactment of specific policy instruments such as regulating subsistence harvesting and allowing land claims within some newly established parks, and Parks Canada’s co-management policy direction in the 1980s (Brown-John, 2006). Conversely, development and environmental challenges within First Nations communities and traditional territories, and the current status of First Nations socio-economic development and institutional engagement in British Columbia have influenced the nature and degree of success in cross-level engagement. Some central exogenous drivers affecting First Nations’ degree and type of assertions in environmental governance include: The Indian Act and Indian and Northern Affairs policies, which regulate FN governance structures and processes and forlong have directly limited their degree of self-determination and self-organization; the provincial treaty process, which tackles central areas of self-governance and resource and lands rights and title; and disabling provincial and federal policies on resource extraction, which favour unsustainable levels of extraction and the promote the dominance of higher and private actors over community level actors. Other exogenous drivers include aboriginal education policies, where the legacy of the Residential School program has directly impaired communities’ and leaders’ roles as stewards of the traditional territories and their institutional and collective ability to contribute to larger discourses on conservation and development.

The impacts of exogenous drives have in turn become endogenous concerns, including: cultural assimilation and the subsequent loss of collective identity, decreased social welfare and traditional practice; the appearance of inter/intra-nation conflicts; extreme poverty; low collective capacity; soaring unemployment; and leadership and institutional challenges. Such endogenous and exogenous factors have both precluded the emergence of aboriginal approaches to environmental governance and become determining factors in grassroots resource use and management innovations and to asserting rights and title influencing co-operative management trends at present in the PRNPR governance.

Cross-level Interplay, Grassroots Agency and Adaptability

The research findings for the PRNPR case show that there were specific organizational and institutional approaches, and actual actions on the ground to increase the intensity of multi-level interactions between park and First Nations since the mid-1990s. These actions included: the establishment of advisory bodies to devise practical strategies for engaging First Nations in park processes; the mainstreaming, into park management objectives and agendas, of the need to consult nations on park management issues; and the development of specific programs and multiple nation-specific partnership to make such engagement a reality. However, assertions of rights and de-facto sovereignty on the part of communities were also equally significant to influence cross-level cooperation in environmental conservation.

“...if Park Canada don’t want to talk to us, we don’t want them to go on the trail and so we actually stopped Parks Canada, one year we didn’t stop the hikers but we put a stop to Parks Canada and what we had said was you know parks Canada right now they are making money going through our traditional territories and we are not getting any benefits and so what we did was our nation sent myself and two other young guys. We pretty much blocked the trail and told the hikers well we gave them a little information pamphlets on what was going on we were not mad at the hikers we were not mad at the visitors, it was a disagreement we had with parks Canada...”

Elder and Former Council Member

The data suggests that multi-level interactions were as much dependent on the interests and institutional development of each specific nation as they were dependent on commonalities at the level of principle, overarching goals, and approaches to cultural and

ecological conservation. Not one but many drivers, operating at multiple levels, have affected multi-level engagement. The empirical data suggests that such engagement has been influenced by federal institutional processes, including judiciary battles, decisive park and grassroots institutional assertions and their organizational approaches. Once in motion, the number and nature of multi-level interactions then enabled the upsurge of social legitimacy of state-managed conservation efforts and the actual cross-level cooperation in carrying out such efforts. Below,

Table 5-1 presents a summary of spatial and socio-economic features, establishment details, legislative frameworks and important factors influencing cross-level interactions at PRNPR.

All of the above policy, organizational and institutional factors seem to have directly influenced the consolidation of PRNPR First Nations Program (FNP). A program that initially emerged to build relationships between the nations and the park and gradually evolved to encompass concerted bilateral and multi-lateral efforts to: integrate

“...I think it is important for Parks Canada to protect and try to conserve areas too but they need to understand that First Nation people they you know, you go out to one of the beaches where there is a lot of rocks and you see tiny pools, you look in the tiny pools you see...mussels, barnacles...and those are foods our people eat so for us it is like dinner and you know, First Nation people really need to have access to the sea foods out there, they need to have access to the berries and the grasses, the roots and things out there...so part of that interconnectedness involves humans being in the ecosystem, not taking humans away. But that interaction does not necessarily have to be harmful, because you have been interacting with the environment and you haven't been destroying it as you have been having this kind of relationship, and you want parks, protected areas to preserve that relationship...”

Elder and Former Council Member

traditional values and approaches into park principles and governance; achieve unprecedented engagement of various First Nations governing bodies in devising and creating the first park management plan; and collaboratively preserve archeological wealth and ensure aboriginal representation and interpretation within parklands. The FNP also strives to: foster multiple economic partnerships; create employment opportunities to address the nations' socio-economic status; training and capacity building to reciprocally

increase understanding of scientific and cultural traditions and practices in resource management and conservation; and ultimately achieve the central goal of tailoring cooperative management arrangements and structures (CBMs) with each one of the nations. As outlined in the park management plan, park actors have a mandate to foster multi-level collaborative planning and collective decision-making through the Cooperative Management Boards in the development of strategies for land, resource and cultural conservation, and park promotion and representation (Canada, 2010). Overall, PRNPR cooperative approaches to environmental governance recognize and, to some extent, legitimize First Nations roles within parklands through the park's central policy of pursuing post-treaty relations with all concerned nations. This is despite the fact that only four of the nine Nuu-cha-nulth nations have so far finalized their decades-old treaty negotiations, to determined degree of jurisdiction and control over traditional territories, while one nation has chosen to refrain from using treaties to secure rights and title. At the time of data collection in 2012, there was one fully operating Cooperative Management Board (CBM) with the Huu-ay-aht FN, a CBM memorandum of agreement with Tseshaht FN, and Park Side Agreements, which outline the conventions on cooperative management, with three other treaty nations. Also at the time of data collection, collaborative land use planning was underway, and several bilateral and multi-lateral agreements and socio-economic partnerships were in effect, with both treaty and non-treaty nations.

At the landscape level, grassroots assertions and actions – based on developments by Huu-ay-aht First Nation – instigated the rise of fully established governing bodies and associated organizational structures, resourceful ways of addressing cultural/ecological conservation, including moderate harvesting, partial use and no-use land and resource zoning, and alternative income strategies. To different extents, these assertions and actions have fed into, interacted with and benefited from park management approaches. Meaningful institutional interplay and collaboration, however, is not the rule for nations connected to the park, despite their equal adherence to overarching frameworks and the similarity of their challenges between First Nations communities. For instance, the HUU-ay-aht First Nation's ways of exercising agency and the nature of the nation's interactions with the park have precipitated strong institutional and organizational linkages leading to

the establishment of the Collaborative Management Board (CMB), the bilateral body overseeing cooperative management of the park. Overall, pre and post CMB interactions between the park and the Huu-ay-aht have impacted the nations' collective capacity, overarching approaches to environmental governance, and their practical strategies for social and ecological sustainability, as well as the park's ability to influence larger scale conservation processes.

Yet however inclusive or revolutionary, PRNPR approaches to park governance do not override the authority already vested in the federal government, "*where the minister retains final authority for the control of parks...*" (Government of Canada et al., 2009, p. 258), which have been seen by at least one of the nations as a threat to self-determination and aboriginal rights and title. In this way, the empirical evidence from PRNPR further suggests that there are other central aspects of governance, in addition to overarching architectures, which directly affect the nature and degree of multilevel cooperation and the ability of actors at lower levels to exercise agency. Moreover, First Nations responses to the park's institutional mechanisms and interplay with lower levels suggest that the exercising of agency has not been enabled through economic means, but rather facilitated through institutional processes. Table 5-3 presents features of the national governance frameworks and associated outcomes in interplay, agency, spatiality and adaptability at PRNPR and SNP. For PRNPR, Table 5-3 shows that there have been changes in federal conservation policy, structures and processes that are influencing the emergence of adaptability at the level of conservation institutions and sustainability through legitimacy and concrete cooperation to address spatial interconnectedness among social and ecological communities inherent to protected lands.

"...I think it is important for parks Canada to protect and try to conserve areas too but they need to understand that First Nation people they you know, you go out to one of the beaches where there is a lot of rocks and you see tiny pools, you look in the tiny pools you see...mussels, barnacles...and those are foods our people eat so for us it is like dinner and you know, First Nation people really need to have access to the sea foods out there, they need to have access to the berries and the grasses, the roots and things out there...so part of that interconnectedness involves humans being in the ecosystem, not taking humans away. But that interaction does not necessarily have to be harmful, because you have been interacting with the environment and you haven't been destroying it as you have been having this kind of relationship, and you want parks, protected areas to preserve that relationship..."

Elder and Former Council Member

Table 5-1. Spatial, institutional, policy and other characteristics, elements and processes influencing approaches to conservation and interplay among grassroots and higher level conservation actors at PRNPR.

Analytical Areas	Dimension/ Scale	Pacific Rim National Park Reserve, CA (1970)
Park lands-communities spatial connections	Social	Parklands located within the traditional territories of nine of the 15 Nuu-cha-nulth First Nations inhabiting Vancouver Island’s West Coast.
	Cultural	Parklands and waters are intrinsically connected to cultural practice and traditions and contain important archeological areas
	Economic	Nations have from time immemorial subsisted by fishing and harvesting flora and fauna current park lands
Parks Establishment Processes	Multi-level engagement	Unilaterally established in 1970
	Instruments addressing co-management	None in place at time of park establishment, to oblige agencies to engage communities in park planning and management
Overarching frameworks & policies influencing conservation goals and approaches, and cross-level interplay	International	<u>UN Convention on Biological Diversity (1992)</u> : addressing ecological conservation, but also upholding duty of governments to protect and promote aboriginal rights (Art.8) <u>Rio Declaration (1992)</u> : upholding role of aboriginal communities in environmental management and sustainable development. <u>Framework convention on climate change & the Kyoto Protocol</u> : addressing the protection of sinks and reservoirs of greenhouse gases across landscapes
	Federal	<u>Constitution Act (1982)</u> : recognizing existence and tenure rights preceding colonization <u>Canada National Parks Act (1930)</u> : enacted initially to, at least partially, preserve natural, archeological, geological and ecological components and processes of landscapes <u>Indian Act and related policies</u> : determining the nature of FNs governance processes, limiting their degree of self-determination and self-organization <u>Former residential school educational policies</u> : Tearing apart aboriginal social and other structures, cultural identity and traditions, and collective stewardship <u>Court case decisions</u> : upholding the right -of First Nations- to be consulted and accommodated in the management of lands and resources located within asserted traditional territories <u>Evolving policy frameworks (federal regulatory measures and Parks Canada policies)</u> allowing subsistence harvesting and land claims on newly formed parks; and to seek cooperation policies in approaches to parks’ planning and management
	Provincial/ Regional	<u>Treaty Commission Act</u> : Through which FNs are trying to regain rights and aboriginal title of traditional lands and resources. Agencies set to provide limited jurisdiction over full territorial extents and full jurisdiction over less than 10% of asserted traditional lands <u>Provincial resource exploitation policies</u> : that promote (d) unsustainable resource extraction amounting to mining and which still threaten remaining ecologically healthy ‘non-protected’ areas <u>The Forest Act</u> : Determining fate of resources within traditional lands <u>Various lands and resource protocols between FNs & the Provincial government</u> : to determine fate of lands and resources within traditional territories
Park-level &	Institutions	PRNPR Park Management Plan 2010: central document delineating nature

Analytical Areas	Dimension/Scale	Pacific Rim National Park Reserve, CA (1970)
lower level factors influencing/making a case for cooperative conservation	and Policies	of relationship, institutional interplay and multi-level collaboration between the Park and FNs <u>First Nations Program (FNP)</u> : central instrument through which cooperative planning and management of parklands is undertaken
	Social	<u>Growing awareness on importance of multi-level engagement</u> <u>Nation's status quo</u> : First Nations communities' struggles with cultural identity and leadership upholding communal values, extreme poverty, soaring unemployment and environmental degradation of reserves lands and traditional territories <u>Civil disobedience & de-facto sovereignty</u> : to address resource extraction practices and call for changes on federal and provincial resource extraction policies and conservation approaches. De-facto actions and entitlements through which FNs addressed governance, planning and management needs of full or partial extensions of traditional territories
	System change	<u>Evolving conservation paradigm</u> , embracing interconnectedness and the interdependence among social and ecological components of landscapes <u>Commonalities in goals</u> , bringing together competing actors and enabling cooperative preservation of both cultural and natural assets

5.6.2 Saadani National Park (SNP)

Influence of Overarching Architectures

Research on conservation in Tanzania has produced a wealth of evidence on the ecological and social impacts of unilateral state-managed conservation (Brockington, 1999, 2002; Neumann, 1998) and on the numerous national reforms in wildlife management (F. Nelson et al., 2007). Increasing social pressure on state-managed conservation models, manifested through grassroots governance assertions and actions (Goldman, 2006), mounting evidence of flawed socio-economic management and poaching crises (Nelson et al., 2007), together with other factors have led to the enactment of the first National Policies for National Parks of 1994. Through these policies, the first Community Outreach Strategic Action Plan (SAP) was established, one decade before Saadani was created. In 2004, assessments of SAP gave way to the “Community conservation Services 2005-2015” (CCS), presently the main policy document guiding TANAPA’s approaches to interactions with adjacent communities. Other reforms affecting land and wildlife conservation and management in areas other than national parks include the 1998 Wildlife Management Policy, which acknowledged the lack of benefits to communities from prevalent top-down conservation models and set

the stage for the creation of the first Wildlife Management Areas (WMAs) regulations in 2002. The 1998 Wildlife Management Policy also created conditions for the new institutional framework provided by the 2009 Wildlife Management Act and the more comprehensive WMAs regulations of 2012, both of which were crafted to address issues of governance of communal protected lands, resources and sharing of economic benefits. Table 16 provides a detailed description of various components and processes affecting environmental governance in the Tanzanian landscape. Addressing community engagement in park planning and management in SNP has been directly influenced by these wider social processes and institutional agendas on land and resource management. In this regard, park policies and broader institutional strategies have greatly focused on environmental awareness and the sharing of economic benefits as the primary goal of interplay across-levels.

In addition to the protected areas reforms, other important national level legislation and policies influencing the nature and degree of assertions and actions at lower social realms include:

- early country wide decentralization processes and the creation of the Local Government Acts (1984), which pursued the establishment of collective decision-making structures, legitimized customary membership, vested greater responsibilities on local elected bodies and conferred multifaceted legislative, planning and implementation powers upon village level state agencies (Shivji, 2002);
- overarching laws on communal land tenure and ownership, as enacted through the Land and Village Land Acts (1999), which strengthened community-based jurisdiction and management of land and resources (The United Republic of Tanzania, 2001);
- the Environmental Management Act (2004), which allows higher level governing agencies to play stronger roles in determining the management and jurisdictional status of country lands notwithstanding ancient habitation by tribes and peasant communities (The United Republic of Tanzania, 2005b, p. 149); and

- the Forest Act (2002) through which various forms of forest ownership and management are formulated and which directly influence development and conservation planning and action within communal lands (The United Republic of Tanzania, 2002).

While ground-breaking in many ways, larger Tanzanian architectures for social organization and village-based development and conservation – which have influenced grassroots agency and the degree of community assertions to transform approaches to park governance – still retain central and final decision-making power at higher levels, yet also enable village governments to exercise some degree of agency within communal territories. Overall, current frameworks set the stage for increased village land and resource management assertions and actions within communal territories, in particular, through the Local Government Acts and the Village Lands Act./ However, current frameworks are bereft of institutional mechanisms to address central communities-parklands connections. For instance, there is no mandate in the Environmental Management Act or TANAPA Act to involve communities in the planning and management of areas of ecological importance, which are often also culturally significant, or to support and enforce community engagement in national park planning and management. Below,

Table 5-1 presents a summary of spatial and socio-economic features, establishment details and legislative frameworks influencing interplay trends between the park and village actors in SNP.

<p><i>“right now there is no house, but without good interaction will you get the house?”</i></p> <p style="text-align: right;"><i>Ward Councillor</i></p>
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Cross-level Interplay, Grassroots Agency and Adaptability

Framed by complex, but also often competitive and contradictory legal frameworks, TANAPA’s role to preserve the country’s natural and cultural wealth has evolved to acknowledge and address social needs within and around protected

landscapes. As stated in Tanzania's National Parks Policy, not only natural systems and wildlife populations, but also cultural resources, and outreach & benefit sharing strategies are to be the central components of parks' planning and management agendas (TANAPA, 1994). Salient aspects of the national Community Conservation Services policy on awareness, collaboration and multi-level interactions include: achieving between 50% and 80% engagement of communities adjacent to parks in mutually beneficial conservation and resources management activities, and including 25% of adjacent communities with functional LUPs. Moreover, the policy includes provisions to support c-b projects, training and capacity building of staff and community-based conservation organizations, local institutional development and ongoing institutional interactions, reduction of poaching and park-people conflicts, etc. All of these objectives are connected to and supported by: the training of all resource protection officers in CCS policy; harmonisation of park resource use and conservation laws with local and higher level institutional frameworks; ongoing support to income generation activities; full recruitment of needed staff; higher level capacity building of staff and of 3% in communities; research-based programming within CCS; and regular outreach to key stakeholders and ongoing consultations with village level stakeholders. Below, Table 5-3 shows central features of governance architectures and outcomes in interplay and agency at PRNPR and SNP.

"...It might have been the decision of the park wardens to go, but a large part was contributed by our insisting. There is a gap that is seen here, caused by the poor interaction between the park wardens and us residents or else we could have been able to discuss and reach satisfactory conclusions."

Village Chairman

Directly connected to TANAPA's national outreach policy, SNP's outreach strategies aim to reduce threats, support livelihoods and improve relationships with adjacent communities. This is pursued through outreach activities directly related to TANAPA's outreach goals, with important exceptions of harmonization of cross-level regulations and pursuing of research-based programming (Tanzania National Parks Authority, 2009). Specific goals on cooperative planning and management and objectives for building institutional relationships are absent from the plan's conservation and multi-level interaction strategies. In this respect, enabling agency and grassroots ownership of

conservation processes is to be determined by processes and mechanisms other than those applied by national environmental agencies. Regardless of the extent to which institutional frameworks and social unrest has affected TANAPA's and SNP's approaches to conservation, the sets of applied policies and institutional and organizational approaches for SNP suggest a focus on infrastructure development rather than on linking grassroots agency to conservation processes. SNP's policies and organizational approaches also do not account for the collaborative design of comprehensive cross-scale resource management strategies, which redound on lack of commonalities between SNP's and villages' overarching institutions and approaches to conservation and development. Conversely, data from focus groups with village level bodies on the ranking of park-village interactions highlighted their primary interest in collective decision-making over support to development, despite the villages' multiple social and economic challenges.

“If you want timber for building purposes you simply ask for a permit, since these days we have a committee for that, you take your issue to the committee, which then discusses. If you really have a problem with a house, then they give you a permit which you will take to the village government, and then the executive officer will write you the permit to cut down the trees for the building purpose...”

Village Chairwoman

The agency's outreach policy and applied approaches have directly impacted the nature of park-village interaction in the Saadani landscape. The empirical data illustrates (See chapters 3 and 4) considerable park efforts on one-time contributions towards development facilities in surrounding villages, whose shared benefits went from the mandated 7% to over 30% in just the 2010-2011 period, while no engagement has in park planning and management (Tanzania National Parks Authority, 2009). Despite the rhetoric and policy requirements for greater community engagement in park planning and cooperative conservation, park approaches were found to be focused on other activities, such as security (with a 1:51 ratio representing the staff in the Outreach Department in comparison to the staff in the Security Dept.); law enforcement; isolated development funding; and video-shows in schools. Meanwhile, trends since the establishment of the park include a fragmented landscape approach to the conservation of highly mobile wildlife populations, a seven fold increase in poaching in the last 7 years, and institutional isolation (See Chapters 3 and 4)(Tanzania National Parks Authority, 2009).

Table 5-2. Spatial, institutional, policy and other characteristics, elements and processes influencing approaches to conservation and interplay among grassroots and higher level conservation actors at SNP.

Analytical Areas	Dimension/ Scale	Saadani National Park, TZ (2005)
Park lands-communities spatial connections	Social	Park lands constituted by former territories of at least 10 of the 17 villages surrounding the park
	Cultural	Comprised of former village settlements and territories, park lands include culturally significant sacred areas and ancient ruins
	Economic	Park areas connected to marine and terrestrial trade, pastoralism, fishing, salt mining and subsistence hunting
Parks Establishment Processes	Multi-level engagement	Said to have been established (2005) through participatory consultations with villages and district level authorities
	Instruments addressing co-management	None to mandate less to enforce community engagement in protected area planning. The president can declare an area to be a national park through an act of parliament
Overarching frameworks & policies influencing conservation goals and approaches, and cross-level interplay	International	<u>UN Convention on Biological Diversity (1992)</u> : addressing ecological conservation, but also upholding duty of governments to preserve, protect and promote indigenous (Art.8)
		<u>Rio Declaration (1992)</u> : upholding role of aboriginal communities in environmental management and sustainable development.
	Federal/National	<u>Framework convention on climate change & the Kyoto Protocol</u> : addressing the protection of sinks and reservoirs of greenhouse gases across landscapes <u>Tanzania National Parks Act</u> : 2005-2015 TANAPA Community Conservation Service Policy: focused on explaining park purpose, solicit participation in park management, protect integrity of parks and share benefits. <u>Environmental Management Act (2004)</u> , <u>Wildlife conservation Act (1974)</u> : Enacted to address ecosystem protection and establish PAs in ecologically and archeologically important areas <u>The Local Government Act</u> : vesting authority upon grassroots actors and institutions to address land/resource use and planning needs, rural autonomy and inclusivity in decision-making <u>Lands and Village Lands Acts</u> : which is believed to protect collective land tenure, while also upholding definitive decision-making power at the national level
Provincial/Regional	National level legislation and policies apply equally at the regional level as they do at village and national levels	
Park-level & lower level factors influencing/ making a case for cooperative conservation	Institutions and Policies	<u>SNP General Park Management Plan</u> : central document on park planning and management approaches. Does not delineate collective decision-making procedures or comprehensive involvement in park planning and management <u>SNP Outreach Policy</u> : central instrument focused on conservation friendly development, reduction of conflict and pursuance of TANAPA's interests
	Social	<u>Social Capacity</u> : where Tanzania has high literacy levels (above 70%), visibly active village government structures and actual collective decision-making at the grassroots <u>Village governance processes</u> : where village level bodies have tailored specific resource use and conservation approaches to address central issues of poverty, economic isolation and environmental conservation
	System change	<u>Evolving discourse in the conservation establishment</u> : paying lip-service to sustainability needs in terms of community engagement in park planning and management seldom visible at the level of practice

Analytical Areas	Dimension/Scale	Saadani National Park, TZ (2005)
Park lands-communities spatial connections	Social	Park lands constituted by former territories of at least 10 of the 17 villages surrounding the park
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Parks Establishment Processes	Multi-level engagement	Said to have been established (2005) through participatory consultations with villages and district level authorities
	Instruments addressing co-management	None to mandate less to enforce community engagement in protected area planning. The president can declare an area to be a national park through an act of parliament.
Overarching frameworks & policies influencing conservation goals and approaches, and cross-level interplay	International	<u>UN Convention on Biological Diversity (1992)</u> : addressing ecological conservation, but also upholding duty of governments to preserve, protect and promote indigenous (Art.8) <u>Rio Declaration (1992)</u> : upholding role of aboriginal communities in environmental management and sustainable development. <u>Framework convention on climate change & the Kyoto Protocol</u> : addressing the protection of sinks and reservoirs of greenhouse gases across landscapes
	Federal/National	<u>Tanzania National Parks Act</u> : 2005-2015 TANAPA Community Conservation Service Policy: focused on explaining park purpose, solicit participation in park management, protect integrity of parks and share benefits. <u>Environmental Management Act (2004)</u> , <u>Wildlife conservation Act (1974)</u> : Enacted to address ecosystem protection and establish PAs in ecologically and archeologically important areas. <u>The local government Act</u> : vesting authority upon grassroots actors and institutions to address land/resource use and planning needs, rural autonomy and inclusivity in decision-making <u>Lands and Village Lands Acts</u> : which is believed to protect collective land tenure, while also upholding definitive decision-making power at the national level.
	Provincial/Regional	National level legislation and policies apply equally at the regional level as they do at village and national levels.
Park-level & lower level factors influencing/ making a case for cooperative conservation	Institutions and Policies	<u>SNP General Park Management Plan</u> : central document on park planning and management approaches. Does not delineate collective decision-making procedures or comprehensive involvement in park planning and management. <u>SNP Outreach Policy</u> : central instrument focused on conservation friendly development, reduction of conflict and pursuance of TANAPA's interests.
	Social	<u>Social Capacity</u> : where Tanzania has high literacy levels (above 70%), visibly active village government structures and actual collective decision-making at the grassroots. <u>Village governance processes</u> : where village level bodies have tailored specific resource use and conservation approaches to address central issues of poverty, economic isolation and environmental conservation.
	Systems' change	<u>Evolving discourse in the conservation establishment</u> : paying lip-service to sustainability needs in terms of community engagement in park planning and management seldom visible at the level of practice.

In the park's adjacent villages, agency is manifested through spatial and institutional arrangements, including village by-laws, land and resource use quotas systems, and community-based resource management and conservation strategies. These arrangements tackle central challenges of youth unemployment, poverty and environmental degradation, all of which are largely unconnected to national park processes. In village territories, land has also been set-aside for special management, protected areas and/or no-use zones in all of which conservation objectives take precedence. These community conserved areas (CCAs) total to no less than 20% of what comprises the park territory. Moreover, Saadani village bodies are also leading strenuous multi-level advocacy and institutional processes to address multiple issues. These include issues of: a) village lands taken and boundaries unilaterally established by park authorities; b) severe park-village institutional mismatches that force villages to relinquish primordial connections to sacred/historical areas within parklands; and c) persistent institutional isolation, manifested through unilateral planning and management, and a lack of reporting/sharing of information on conservation challenges and opportunities within parklands inextricably connected to village territories. Table 5-3 presents a summary of features of the two countries governance frameworks and associated outcomes in interplay, agency, spatiality and adaptability at SNP and PRNPR.

The SNP data illustrates how grassroots agency has been visibly important to the improvement in village level environmental governance, largely through institutional and organizational processes other than those put in motion by environmental agencies. Central components of TANAPA's outreach policy, much like the PRNPR case, do not override the final decision-making power that TZ's overarching legal framework has vested in national level conservation and other agencies. Although designed to foster the establishment of conservation friendly economic partnerships, and to address central issues of ecological sustainability (landscape connectivity, wildlife corridors, etc.), as TANAPA's outreach policy and organizational procedures currently stand, they do not account for or provide concrete mechanisms of institutional engagement and accountability to lower levels. Moreover, institutional and/or organizational processes in place prevent the emergence of synergies in the setting of collective goals, taking advantage of grassroots institutional processes, benefiting from villagers' environmental

stewardship, or conjunctively addressing park's and villages' concerns related to the planning and management of the Saadani parklands.. Table 5-3 presents a summary of features of the two countries governance frameworks and associated outcomes in interplay, agency, spatiality and adaptability at PRNPR and SNP. For SNP, the summary shows that both national and park level institutions and concomitant policies and conservation approaches have been rather inadequate to foster adaptability, unable to engender necessary support across levels of social organization, and proven to be of little benefit to both communities for enabling the protection of biodiversity and the ecosystems targeted for conservation.

Table 5-3. National and other institutions and their repercussions in interplay, agency, cooperation at PRNPR and SNP.

PRNPR	SNP
OVERARCHING GOVERNANCE ARCHITECTURES & ENVIRONMENTAL DISCOURSES	
<ul style="list-style-type: none"> • National institutions recognizing spatial interconnections among social and ecological systems and central rights of vulnerable social groups, both within and around protected landscapes. Degree of institutional inclusion by conservation agencies enabling communities to partially or conjunctively determine – with higher level authorities – the fate of territories and environments to which they are primordially connected and on which their welfare depends • Provincial regulatory and policy instruments limiting degree of grassroots assertions on land and resource governance and ownership (e.g., treaty negotiations and forestry policies). Central final lands and resource decisions in the hands of provincial and federal level agencies • Evolving conservation paradigm/discourse that embraces social-ecological interconnectedness and interdependence among central components of landscapes, and that has more or less effectively affected change towards collaborative planning and management in protected landscapes • Park rules designed to ensure consecution of binding all-encompassing frameworks to address: the matching of park and lower institutions; to account for subsistence harvesting rights; traditional practice; cultural preservation and collaborative conservation within and around parklands 	<ul style="list-style-type: none"> • Overarching institutional design acknowledging social needs and aspirations around rather than within protected landscapes. Encompassing frameworks focused on sharing of economic benefits, which does little to address institutional inclusion, let alone multi-level cooperation. No institutions addressing or enforcing multi-level interactions in state-managed conservation. Current policy direction and arrangements directed to remove complex peoples-parklands connections, in spite communities’ roles in protecting biodiversity, their reliance on park lands for collective welfare, and their deeply rooted interests in the long-term sustainability of protected lands and resources • National frameworks for land and resource ownership are equally applicable at regional, district and local levels. Communal land ownership assertions arguable within the current yet constraining institutional environment, yet it is also enabling innovative institutional and organizational approaches at the grassroots, with final decisions residing in the hands of national agencies • Conservation discourse stressing the need for multi-level collaboration, however, at the empirical level only lip-service is paid to facilitating cross-level cooperation. Applied approaches persistently disregard the strength of grassroots institutional and organizational structures and their degree of agency • No connections or synergies between park and village level institutions. No subsistence harvesting, cultural practice or easy of movements to ancestral/sacred places permitted in the park
SPATIALITY, AGENCY & LEGITIMACY	
<ul style="list-style-type: none"> • Degree of authority & jurisdiction defined by treaty agreements. However, at the park level, as part of giving consecution to encompassing framework, the exercising of agency is being enabled through the recognition and engagement of legitimate actors 	<ul style="list-style-type: none"> • Agency configured by overarching frameworks outside PAs and directed to strengthen the role of the state across levels. At the park level, central actors seen as stakeholders who provide input to conservation, instead of agents with both spatial and institutional power

PRNPR	SNP
<ul style="list-style-type: none"> • National park engagement policies legitimizing connections among First Nations, lands and resources; enabling grassroots actions and innovations in social organization and environmental conservation; and influencing accountability to lower levels of social organization • Sanctioned presence; movement; cultural and traditional activity within protected lands ensuring the preservation of primordial rights and essential spatial connections; the protection and transmission of traditional knowledge, the consolidation of social legitimacy; and the emergence of synergy among different, often competing and yet interconnected actors 	<p>and connections to effect environmental conservation</p> <ul style="list-style-type: none"> • Park policies on engagement directed to ensure state control of protected territories and the pursuance of unilateral objectives, which prevent the exercising of agency to inform and support state driven conservation and the establishment of accountability & transparency mechanisms • National parks land and resource use and management approaches and their inherent institutions disregard spatial connections and ensure the full elimination of subsistence harvesting and cultural practice within protected lands, which decrease legitimacy and social welfare and prevents synergies between village and park actors
ADAPTIVENESS & ENVIRONMENTAL OUTCOMES	
<ul style="list-style-type: none"> • Various collaborative agreements and partnerships adapted to the needs of individual nations (one size does not fit all) that foster innovation to address complex issues of environmental and cultural conservation. Overall, framework adaptive to the diversity of leadership, social-ecological interests and institutional capacity present among the nine nations connected to parklands • A win-win situation, where both the park and nations benefit from knowledge and skills transmission; cross-level collaboration; institutional and organizational innovation and the improved status of grassroots players in terms of social organization; and sustainable conservation and collective welfare • The institutional framework enables cross level knowledge and information sharing and facilitates the collaborative design and implementation of conservation approaches, while allowing key players input into park governance and the sharing of some benefits back to communities • The overarching approach to planning seeks to address issues of institutional fit, but also harmony and synergy among conservation approaches 	<ul style="list-style-type: none"> • No framework for engagement, park approaches unilaterally established and lacking various institutional and organizational elements, mechanisms and arrangements to suit governance and conservation approaches to social-ecological characteristics, to enforce accountability and to properly address park concerns and multi-level cooperation • Synergy among overarching and village frameworks for social, institutional and environmental organization are enabling grassroots land and resource use and management innovations while park level institutions operate in isolation • The institutions guiding national park establishment and management are, as currently designed and applied, hindering the emergence of cooperation and innovation to address complex issues connected to conservation, including organized poaching, ecological fragmentation and persistent ecological degradation connected to climatic change but also human-nature interactions • Persistent misfit between park & community approaches, which affects social legitimacy, engenders institutional isolation and undermines social welfare and ecological sustainability

PRNPR	SNP
OVERARCHING GOVERNANCE ARCHITECTURES & ENVIRONMENTAL DISCOURSES	
<ul style="list-style-type: none"> • Country level institutions recognizing spatial interconnections among social and ecological systems and central rights of vulnerable social groups, both within and around protected landscapes. Degree of institutional inclusion –by conservation agencies, enabling communities to partially or conjunctively determine -with higher level authorities- the fate of territories and environments to which they are primordially connected and on which they welfare depends • Provincial regulatory and policy instruments limiting degree of grassroots assertions on land and resource governance and ownership. (e.g., Treaty negotiations and forestry policies). Central final lands and resource decisions in the hands of provincial and federal level agencies • Evolving conservation paradigm/discourse that embraces social-ecological interconnectedness and interdependence among central components of landscapes and that has more or less effectively affected change towards collaborative planning and management in protected landscapes • Park rules designed to ensure consecution of biding encompassing frameworks: to address the matching of park and lower institutions, to account for subsistence harvesting rights, traditional practice, cultural preservation and collaborative conservation within and around parklands 	<ul style="list-style-type: none"> • Overarching institutional design acknowledging social needs and aspirations around rather than within protected landscapes. Encompassing frameworks focused on sharing of economic benefits, which does little to address institutional inclusion, let alone multi-level cooperation. No institutions addressing or enforcing multi-level interactions in state-managed conservation. Current policy direction and arrangements directed to remove complex peoples-parklands connections, in spite communities’ role in protecting biodiversity, their reliance on park lands for collective welfare, and their deeply rooted interests in the long-term sustainability of protected lands and resources • National frameworks for land and resource ownership are equally applicable at regional, district and local levels. Communal land ownership assertions arguable within the current yet constraining institutional environment, yet it is also enabling innovative institutional and organizational approaches at the grassroots Final decisions in the hands of national level agencies • Conservation discourse stressing the need for multi-level collaboration, however, at the empirical level only lip-service is paid to facilitating cross-level cooperation. Applied approaches persistently disregard the strength of grassroots institutional and organizational structures and their degree of agency • No connections or synergies between park and village level institutions. No subsistence harvesting, cultural practice or easy of movements to ancestral/sacred places allowed in the park
SPATIALITY, AGENCY & LEGITIMACY	
<ul style="list-style-type: none"> • Degree of authority & jurisdiction defined by treaty agreements. However, at the park level, as part of giving consecution to encompassing framework, the exercising of agency is being enabled through the recognition and engagement of legitimate actors. • National Park engagement policies legitimizing connections 	<ul style="list-style-type: none"> • Agency configured by overarching frameworks outside PAs and directed to strengthen the role of the state across levels. At the park level central actors seen as stakeholders who provide input to conservation, instead of agents with both spatial and institutional power and connections to effect environmental conservation.

PRNPR	SNP
<p>among First Nations, lands and resources; enabling grassroots actions and innovations in social organization and environmental conservation; and influencing accountability to lower levels of social organization</p> <ul style="list-style-type: none"> • Sanctioned presence, movement, cultural and traditional activity within protected lands ensuring the preservation of primordial rights and essential spatial connections, the protection and transmission of traditional knowledge, the consolidation of social legitimacy, and the emerge of synergy among different, often competing and yet interconnected actors 	<ul style="list-style-type: none"> • Park policies on engagement directed to ensure state control of protected territories and the pursuance of unilateral objectives, which prevents the exercising of agency to inform and support state driven conservation and the establishment of accountability & transparency mechanisms • National Parks land and resource use and management approaches and their inherent institutions disregarding spatial connections and ensuring the full elimination of subsistence harvesting and cultural practice within protected lands, which decrease legitimacy and social welfare and prevents synergies between village and park actors
ADAPTIVENESS & ENVIRONMENTAL OUTCOMES	
<ul style="list-style-type: none"> • Various collaborative agreements and partnerships adapted to the needs of individual nations (one size does not fit all) that foster innovation to address complex issues of environmental and cultural conservation. Overall, framework adaptive to the diversity of leadership, social-ecological interests and institutional capacity present among the nine nations connected to parklands • A win-win situation, where both the park and nations benefit from knowledge and skills transmission, cross-level collaboration, institutional and organizational innovation and the improved status of grassroots players in terms of social organization, sustainable conservation and collective welfare • The institutional framework enables cross level knowledge and information sharing, facilitates the collaborative design and implementation of conservation approaches, while allowing key players' input into park governance and the sharing of some benefits back to communities. • The overarching approach to planning seeks to address issues of institutional fit, but also harmony and synergy among conservation approaches 	<ul style="list-style-type: none"> • No framework for engagement, park approaches unilaterally established and lacking various institutional and organizational elements, mechanisms and arrangements, to suit governance and conservation approaches to social-ecological characteristics, to enforce accountability and to properly address park concerns and multi-level cooperation • Synergy between overarching and villages' frameworks for social, institutional and environmental organization are enabling grassroots land and resource use and management innovations, while park level institutions operate in isolation. • The institutions guiding national park establishment and management are, as currently designed and applied, hindering the emergence of cooperation and innovation to address complex issues connected to conservation, including organized poaching, ecological fragmentation and persistent ecological degradation connected to climatic change but also human-nature interactions • Persistent misfit between park & communities' approaches, which affects social legitimacy, engenders institutional isolation and undermines social welfare and ecological sustainability

5.7 Discussion

In both of case studies, national governance frameworks and other particular elements of governance architecture at larger scales played important roles in shaping state-community cooperation, agency, park management, and access to and allocation of land and resources. In the case of PRNPR, this broader architecture includes: a) provincial regulatory and policy instruments that constrain meaningful grassroots participation in decision-making on natural resource use; b) an evolving set of arrangements for planning and management of national parks that is gradually moving towards greater recognition of spatial interconnections within and beyond park boundaries and an acceptance of competing claims (which vest some authority in grassroots players) and; c) revolutionary changes that have formally recognized fundamental aboriginal rights (institutional legitimacy). These different elements of the broader architecture create an institutional environment in which different interests and objectives are in constant tension, and potentially in conflict with each other. Similarly, in the case of SNP the broader governance architecture includes frameworks that exist in tension with each other and empower and disempower different actors in different ways. There is legislation that empowers village-level decision-making (for example, the Local Government Acts of 1982), but there are also mechanisms for management of national parks that vest a great deal of authority within TANAPA, which has a mandate to take concrete actions to involve adjacent communities in park planning and benefit-sharing. In both cases, these national level frameworks help to shape institutions, relationships, and actual activities on the ground at more local levels where players exercise agency, particularly at park and community levels. However, in both cases, there are also many elements of these local institutions, relationships and activities that cannot be explained by the nature of particular elements of the broader governance architecture.

Another crucial causal factor in the nature and performance of the local level governance arrangements is the nature of institutional interplay and the diverse perceptions of and ways of exercising agency. For instance, in the PRNPR case, there are different FNs with different patterns of interplay despite all of them existing within the same broader institutional environment and facing similar social and economic

challenges. Although to a significant extent each nation has similarly benefited either from collaborative land-use planning, funding for capacity and economic development, a diversity of economic partnerships, and subsistence harvesting and cultural practice within park lands, meaningful institutional engagement and cooperative park management and governance have thus far reached milestones with only two of the nations.

Thus, the nature of and approaches to institutional interplay among stakeholders connected to the park and individual nations as well as First Nations leadership, have either seen relationships and agreement with the park as a threat to self-governance or as an opportunity for aboriginal rights and title. This further highlights how institutional interplay or the interactions between socially and institutionally legitimate governing bodies across levels of social organization are critical to enabling the exercising of agency and the enjoyment of its benefits across levels. At SNP, it has been the lack of meaningful institutional interplay what has prevented multi-level cooperation, despite village bodies' substantial and proven degree of agency for addressing development through environmental stewardship. The findings for Saadani – and particularly the position, approaches and expressed desires of grassroots decision-making bodies – illustrate how there are chances of thriving both ecologically and socially in state-managed conservation. The conditions for thriving emerge when institutional engagement precedes and guides the implementation of economic benefits, when institutional arrangements are collaboratively designed and geared towards recognizing primordial land and other rights and when institutional mismatches are addressed across levels.

Although operating under significantly different overarching frameworks, in both cases the mandate and amount of power bestowed at park and lower levels of social organization is dependent upon and limited by the power conferred on higher federal and national level authorities. Yet, in spite of the power limitations inherent in both decision-making frameworks, policies and institutional arrangements within the PRNPR landscape suggest that efforts in key areas can reduce conflict, support legitimacy and accountability, enable institutional adaptation, facilitate multi-level cooperation and minimize the need for higher level interventions. These areas for action include:

a) matching arrangements to grassroots capacity, needs and aspirations; b) redefining conservation paradigms and approaches in light of complex human-nature connections, synergies and interdependencies; c) building institutional trust through ethical approaches to park planning and management; and d) collectively setting primary conservation objectives and conservation-related development goals. On the other hand, arrangements within SNP primarily focused on spatial control, economic benefits and exclusory decision-making have had direct repercussion on a lack of institutional and organizational adaptation and the wasting of accumulated grassroots knowledge, institutional innovations and other expressions of stewardship and agency engendered by ancestral spatial connections. Steadily increasing poaching, contested legitimacy, community disengagement, institutional isolation and an ever increasing security budget are at once interrelated spatial and institutional consequences inherent to unethical and exclusionary conservation, and threaten both communities' amount of agency and spatial organization to address development, conservation and the parks' ability to contribute towards global environmental goals.

The nature of institutional arrangements and interplay among park and community actors in these two settings seems to have either enabled or inhibited multi-level cooperation and the degree of cross-level support to resource and environmental agendas. As such, success in environmental governance has witnessed a broad, positive impact to the extent that institutions have:

- enabled the exercising of collective and multilevel agency;
- accounted for and redefined (beyond utilitarian calculations) the essentiality of land and resource access and allocation to social welfare; and
- promoted adaptable governance and management mechanisms.

And the organizational and institutional interplay across-levels has:

- helped take advantage of and connecting critical grassroots needs to park and higher level agents and processes;

- supported the emergence of cooperation, shared responsibility and innovation in approaches to landscape conservation; and
- enabled fitting institutions for land and resource conservation as much to the necessities and aspirations of grassroots actors as to critical global environmental needs.

5.8 Conclusions

This chapter adds to current analyses of the nature and influences of governance frameworks in the design and performance of protected area systems. It does so through an exploration of relevant cross-scale institutional processes and linkages, social dynamics, policy instruments and organizational approaches within the architectures of environmental governance. Central conceptual premises of governance theory are employed to analyse empirical data on Canada's Pacific Rim National Park Reserve (PRNPR) and Tanzania's Saadani National Park (SNP) in order to elucidate a number of elements. First, how local governance arrangements and overarching architectures influence or undermine the emergence of adaptive multi-stakeholder cooperation in conservation. And second, how organizational and institutional interplay across levels of social organization shape institutional fit, access and allocation, distributions of burdens and benefits and spatial relations among humans and natural landscapes.

Institutional design and how environmental institutions function determine how agency and social action are channeled towards environmental conservation. Specifically, it considers how environmental institutions: account for inherent connections between humans and nature (primordial relationships that influence diversity, engenders stewardship, and support collective welfare); and match environmental problems to applied approaches (ruling out "fortress conservation" to protect mobile wildlife populations or engender cooperation).. In this regard, the significance of complex causality is visible in the two cases, where institutions and interplay are but one of multiple drivers affecting ecological change and social-institutional adaptability.

In terms of agency, this research highlights that grassroots agency has been either recognized as important or disregarded within park level policies and institutions. As a

result, concomitant conservation approaches have had significantly different results in terms cooperation across-levels, legitimacy and overall sustainability of protected landscapes. Moreover, the findings suggest that agency is not a zero sum game; the exercising of agency at one level does not reduce degree of agency, power or importance of actors at other levels. Rather, as a potential capacity, agency needs to be enabled through interplay and exercised by actors at all levels in order to understand critical aspects of institutional fit and sustainable approaches to state-based conservation. Activities such as identifying the ecological effectiveness of adopted approaches and analyzing the impacts of treaties go beyond the scope of this research. However, the findings of the two cases provide important insights on parks-communities interactions and how larger governance processes influence conservation outcomes and adaptation within and around protected landscapes. The findings shed light on the relationship and synergies among governance mechanisms and interplay in addressing institutional fit, where the ultimate aim of interplay goes beyond the sharing of economic benefits, but entails meaningful cross-level engagement that can unlock needed grassroots agency.

What is more, to address multi-level cooperation, prevalent institutions need to frame conservation efficiency and effectiveness in terms of spatial interdependence – if we are to address the lack of fit among conservation approaches and land tenure institutions and between conservation institutions and culturally and ecologically rich protected landscapes. By its very nature, it becomes unfeasible in the medium and long-term to pursue global conservation goals without drawing on grassroots actors knowledge and capacity. Neither is it possible to avoid persistent pit falls – and rather harmful outcomes – associated with current state-based approaches to conservation, without accounting for grassroots welfare in the design of environmental structures and institutions.

Chapter 6: Conclusions

6.1 Introduction

This research project evaluated how various elements and processes of environmental governance influenced the capacity of protected area systems to adapt to and/or benefit from ongoing social and ecological change. It explored the relationship between adaptability and sustainability in approaches to conservation. In accord with global and national conservation efforts, the governments of Canada and Tanzania have developed complex institutional and organizational frameworks to establish and operate protected area networks. Protected area systems have been devised and recommended because of their potential to enable human and ecological communities to adapt to the current, unprecedented rate and extent of anthropogenic climatic and environmental change at the global scale. In this respect, this research can prove beneficial for identifying and enhancing the processes through which PAs can be effective at protecting cultural and biological diversity. Further, the findings of this thesis regarding governance and management of national parks provide insight into the two case study nation's institutional make-up, organizational capacities and efforts to address environmental conservation when responding to global conservation demands, environmental change and emerging needs for cross-boundary and cross-level collaborative environmental governance.

The conclusions are organized according to the primary research questions of the study. Because of the linkages among the governance variables analyzed and the complementary nature of the questions, all of the research questions were addressed in each of the findings chapters, to a greater or lesser extent. Consequently, conclusions on each one of the research objectives draw on evidence from all the chapters. Conclusions are first presented about the particular social, ecological, institutional and organizational system that characterizes each protected area case study. Subsequent conclusions are then drawn about how governance elements, such as policy and institutional frameworks at multiple levels, influence the capacity of PA management and governance approaches to adapt and enable change. Specifically, these conclusions focus on the capacity of PA

management and governance approaches to adapt to the demands of social and ecological change, and to enable necessary agency and cooperation across levels of social organization. Related conclusions are then made about the ways in which governance processes, and particularly cross-level interplay and other decision-making dynamics, influence the emergence of adaptive or non-adaptive management strategies and specific social and ecological outcomes.

6.2 Empirical Findings

6.2.1 What are the social-ecological and spatial characteristics of the protected landscapes in relation to the mandates and frameworks which guide the PAs?

Characteristics of the Protected Landscapes

The Pacific Rim National Park Reserve (PRNPR) and the Saadani National Park (SNP) were established upon lands inhabited by ancient social and ecological communities whose spatial and synergistic interactions have enabled both humans and nature to thrive. The outcomes of these human-nature interdependent interactions, which characterize both landscapes, provide some clarification as to why they became the target of conservation schemes.

Evolving Conservation Mandate

PRNPR and SNP are Category Three PAs, under the Convention on Biological Diversity. *The parks were conceived from the top down, and implemented under very different geo-political and socio-economic environments and at different periods: in 1970 and 2005, respectively. The National Parks Category sets the most restrictive parameters to resource conservation and human-nature interactions. Accordingly, the original mandate for both parks was to remove and prevent human settlements within protected lands and restrict human presence to tourism, research and management. Such mandates further confirm how they were conceived from the top and enacted through or influenced by the dominant conservation paradigm that asserts humans are separate from nature. However, the Convention's guidelines for the National Parks Category have been*

interpreted practically into very different arrangements, both for conservation agencies and communities adjacent to the parks, and into different approaches to conserve biodiversity and wildlife.

Since the mid-1990s in Canada, PRNPR actors have made incremental efforts to frame conservation governance and management in terms of cross-level cooperation and have achieved a measurable degree of success. In Tanzania, conservation approaches are disconnected from actors at the grassroots and clearly exhibit a “command and control” management style to environmental conservation.

Governance Frameworks

The variable combinations of particular elements and processes of governance architectures across country, park and community levels explain why conservation systems, even in the same category, have demonstrated very different conservation approaches—and outcomes. *Overarching frameworks under which the two PAs operate have enabled federal/national actors to retain final decision-making power. However, institutional embeddedness and particular overarching governance processes have changed the way such actors exercise this power.*

In Canadian law, Article 27 of the Constitution acknowledges pre-existing aboriginal habitation and the existence of aboriginal institutions preceding the colony. This provision instigated key legal victories, and with it the establishment of critical policies such as the one requiring federal and provincial agencies to consult and accommodate First Nations in land and resource planning processes. Moreover, these court decisions, and the constitution, influenced First Nations interests in pursuing aboriginal rights and title through treaties. The duty to consult and accommodate and the recognition of pre-existing aboriginal tenure institutions do not translate into self-governance or full authority without a treaty status. However, this institutional setting has influenced the emergence of comprehensive policy and institutional approaches. Through these policies and approaches, federal park-level actors and First Nations communities address aspects of spatial interdependence and long-term sustainability through collective management, decision-making and jurisdiction. In turn, this degree of multi-level

engagement has helped address entrenched social injustice, grassroots governance and other conditions that have long constituted the status quo of First Nations communities in Canada.

In Tanzania, overarching institutions have provided clear, local land tenure and local governance frameworks, but also almost total state-control of large conservation efforts. In particular, national level legislation addressing grassroots collective decision-making, land tenure and resources management has had ramifications in village level assertions and innovation in ecological conservation, institutional development, environmental governance and social welfare. Yet conservation frameworks are not only disconnected from but also in conflict with the other national institutions on grassroots land tenure and governance. Operating with overlapping land and resource interests, these disparate, higher level institutions have initiated conservation efforts that disregard and undermine local community roles in environmental conservation.

Also significant in understanding environmental governance for the two case studies are the differences that exist between land tenure institutions and the particular outcomes they have influenced. Specifically, primary and secondary data collected in this study suggests that rights to collective land tenure are stronger in Tanzania than in Canada. Canada's constitutional rights do not account for land tenure rights, but recognize the importance of establishing those rights, influences court decisions and validate, to a certainly extent, the types of evidence that can be used to pursue such rights. Aboriginal communities have to go through time consuming and expensive treaty processes, to address their land rights, as there is no specific legislation recognizing and protecting lands rights over ancestrally inhabited territories. In Tanzania, on the other hand, the Lands and Village Lands Acts recognize and institutionalize collective land tenure. Although logic might suggest that conservation agencies have more of an institutional role in Tanzania to engage communities in conservation planning, that is not actually the case. This is why the other two research objectives, on how institutions operate and on institutional design and interplay, are needed to fully explain how institutional and organizational approaches can create such different, unplanned or unwanted outcomes in state-based conservation.

6.2.2 How do overarching governance elements and park level approaches to governance and management influence adaptiveness, legitimacy, the exercising of agency and cooperation among park and community actors?

Adaptive Capacity and Cooperation in Environmental Conservation

In the case of PRNPR, there have been important outcomes in terms of multi-level cooperation, facilitated by evolving and adaptable institutional approaches to governance. Attributes of governance processes affecting adaptability include: finding commonalities in goals (consistent with Gupta's (2010) contributions on institutional adaptive capacity), having engagement procedures and consultation agendas adapted to the particular needs and aspirations of nations, and integrating diverse values and approaches to environmental governance and management. Meaningful multi-level institutional engagement has, in turn, impacted environmental governance in more subtle ways. These include slow but progressive reforms to exclusionary state-based conservation, the collective generation of knowledge, building trust one step at the time, and allowing institutional inclusion to translate into built capacity. Yet equally important is how fostering adaptability has also enabled a redefining of the purpose of conservation (changing paradigms), and adjusting leadership strategies (both at park and community levels) for different institutional circumstances. Moreover, adaptive capacity has enabled other institutional windows to open despite power-limiting overarching legal frameworks and constraining provincial and federal land and resource interests.

In Tanzania, despite institutional and other capacities at the grassroots, the lack of adaptability in higher level approaches to conservation has so far prevented synergies among grassroots and national conservation efforts. The challenges emerging from fixed national conservation approaches and agendas are further complicated by the lack of a clear institutional mandate to pursue and enforce the engagement of capable community actors in the country's conservation efforts. In fact, the SNP findings suggest there is more developed capacity at the grassroots to undertake collaborative conservation than there is in national agencies to undertake multi-level environmental governance. This is evident, on the one hand, in the degree of institutional and organizational development by communities to address social and environmental needs within village territories, and

their tenacity in seeking collective decision-making with park actors. And on the other, in the nature of TANAPA's challenges in intra-agency coordination and lack of effectiveness in addressing park management objectives. The fact that institutional rigidity and isolation have resulted in conflict, mistrust, and unethical approaches to conservation illustrates the importance of institutional and organizational adaptive capacity for cross-level cooperation in environmental conservation.

To be clear, if adaptiveness in environmental conservation enables the integration of both grassroots and national conservation goals and efforts, it impacts not only the strength of cross-level interactions and cooperation, but it also enables capacity building at multiple levels, exercising individual and collective agency, and gaining necessary synergies between community goals and global environmental needs. The various variables affected by the synergistic interactions across levels of social organization that adaptive capacity can facilitate are recognized to be of critical importance for engendering trust, gaining legitimacy and subsequently enabling the social and ecological sustainability of protected landscapes.

Agency and Institutional Fit

Article 27 of the Canadian Constitution acknowledges pre-existent aboriginal connections to land, and enabled key legal victories for mandating the duty to consult and accommodate First Nations in land and resource planning processes. In the case of PRNPR, these victories were central in assisting park actors' realization of the benefits from grassroots agency for achieving national environmental goals. The internationalization of critical environmental decision-making has affected the agency and land tenure arrangements of indigenous communities, through the unilateral imposition of exclusionary PAs over their traditional biodiversity rich territories. Nonetheless, adaptive park-community cooperative efforts and decisions have had definite impacts on the fit of conservation institutions with the characteristics of protected social-ecological landscapes. In Tanzania, there are overarching institutions for vesting various powers – decision-making, organizational, jurisdictional and legislative – in community actors, through legal tools like the Local Government Act and the Village Lands Act. These critical tools have enabled the emergence of grassroots agency in

Tanzania. However, overarching environmental institutions, which retain decision-making and other powers at higher levels, have engendered conflicts across multiple levels despite apparent progress in “people-powered” conservation policy and discourses.

In the two case studies, multi-level agency has been relevant and necessary for institutional fit, and more broadly, for the systems’ contributions to environmental sustainability. At PRNPR, the main framework guiding park governance and management approaches the Park Management Plan, was an output of multi-level deliberations. In turn, this plan has led to specific outcomes, including multiple collaborative arrangements, collective actions and increased legitimacy. This fit between the governance target and the approach, which involved enabling grassroots agency, has had important impacts for tackling biodiversity conservation, reducing conflict and harmonizing human-nature interactions – all of which are recognized as part of the purpose of establishing PAs. Enabled by overarching institutional structures, grassroots agency in Tanzania has exposed the lack of fit between the national park model and the governance target for which the model was created. By exercising their jurisdictional, planning and management powers within village territories, community actors and their institutions have demonstrated agency in environmental stewardship. What is more, this grassroots agency demonstrates that the exclusionary, spatially narrow and unilateral approach of state agencies to biodiversity conservation is not congruent with the realities of high mobility, spatial relationships and interdependence that characterize social-ecological communities in practice. Moreover, the exclusion of communities concerned about biodiversity from state-led efforts have also impacted on their collective welfare and empowerment

An equally important conclusion is that *agency is not a zero sum game* (Dellas, Pattberg, & Betsill, 2011), where federal/national actors’ ability to act upon or manage conservation is inversely proportional to the ability and power exercised by community actors in environmental stewardship. On the contrary, the findings directly suggest that agency must be exercised by actors at all levels of social organization for adaptability and sustainability, through institutional fit and collective concerted and multi-level action, to become a reality in systems for environmental conservation. At PRNPR, the

implementation of park-First Nations decision-making outcomes are dependent upon the decisions exercised by actors at the federal level. Yet multi-level environmental governance is being exercised through the Park's approach to environmental governance, such that lower level actors have the ability to influence environmental arrangements and outcomes, rather than the ability to disapprove or determine final decisions. Having grassroots actors meaningfully engaged and exercising agency in cross-level decision-making processes has impacted *fit* to such an extent that federal actors are limited in their ability to disregard the outputs from multi-level (park-community) deliberations. Indeed, federal actors are forced to adapt to grassroots demands in order to increase social consent, legitimacy, and achieve environmental goals. In this context, the ability of federal agents to fulfill their international environmental commitments, to address the country's goals, and to address sustainability seems to have been redefined in terms of the synergistic relationships between social and ecological communities. In Tanzania, the power of conservation actors, although visibly strong and often unquestioned, cannot be fully exercised to reach conservation goals under conditions of exclusion and unilateral decision-making. As recent scholarship on agency (Dellas et al., 2011) suggests, this lack of interplay across levels prevents not only synergies in addressing conservation, but more importantly enhancing agency across levels of social organization. This is so because agency is better defined as a progressive outcomes of interactions rather than an vested right or property of an actor or group of actors (Dellas et al., 2011). The erosion of social consent and institutional antagonism is being further amplified by the burden of increased security spending, the steady growth of violations of park rules, and the growing conflicts and confrontations among park actors and adjacent communities.

Participation versus Agency

This issue of decision-making power highlights a related, but little explored area, best illustrated by the Tanzania case study. *Approaching the analysis of environmental governance in relation to participation of actors in governance processes can yield very different research results than approaching such analysis through a comprehensive analysis of how actors are enabled to exercise agency.* Chapters 3 and 4, which address grassroots agency in Tanzania and the underlying aspects of community participation in

state-managed conservation, are particularly useful to illustrate this point. First, they suggest, in response to current inquiries (Dellas et al., 2011), that agency is sanctioned by and relatively dependent upon larger institutional architectures, but emerging as a result of complex and particular sets of conditions, which include legal frameworks but is also built by social and grassroots institutional capacity. Second, they also show that assessing the effectiveness of environmental governance approaches is best pursued through a focus on agency at various levels of social organization (Dellas et al., 2011). Park establishment documents state that collaborative and multi-level decision-making took place during park planning, and further, Saadani's Park Management Plan (PMP) suggests collaborative decision-making also took place for designing and creating the PMP. Yet, the nature of community actions in both environmental stewardship and assertions of rights and responsibilities (asserting agency), show that "participatory" park planning processes were nothing but a catch phrase to describe processes besieged by unilateral decision-making. Park level statements on the nature of park planning processes served to both please actors within larger national and international conservation establishments and to "satisfy" the demands of shifting conservation discourses. Yet park planning and subsequent management have had little to do with enabling grassroots stewardship/agency, addressing cross-level cooperation or achieving environmental sustainability. Thus, looking at agency rather than participation offers significantly different insights into the nature of engagement in state-managed conservation by Saadani's grassroots institutional bodies and actors, and more importantly, different insights into the degree of developed capacity and efforts by grassroots actors in environmental conservation.

In sum, exercising coordinated and collaborative agency across levels of social organization stands as a more pragmatic strategy to more sustainably confront the challenges of a highly interconnected and interdependent world. Allowing grassroots actors to directly and meaningfully contribute to the crafting and application of approaches to human-nature interactions is a promising governance route to address institutional fit and reduce cross-level conflicts. More importantly, it is meaningful multi-level engagement and multi-level agency that can best prevent the ineffective, inefficient

and inequitable outcomes that are produced by national agency and corporate interests, which dominate global conservation efforts.

Spatiality, Jurisdiction and Environmental Sustainability

The various elements influencing the emergence of agency share a critical commonality between the two case study countries. In the two cases, whenever an institution, policy or regulatory frameworks influenced the emergence of or triggered agency, it had tacitly or explicitly prescribed (or denied) spatial relationships among grassroots actors and the lands and resources targeted for or already under conservation.

The significant influence of spatial interdependence—where communities' connections to biodiverse landscape determine not only their livelihoods, but also their cultural identity, sense of place and concomitant environmental stewardship—on social welfare is a key operational principle emerging from grassroots assertions, which has eventually been legitimized through overarching environmental institutions, such as in the case of PRNPR. Specifically, PRNPR's recognition of post-treaty status for all First Nations connected to park lands, and support of wider federal policies recognizing cultural practice, access and harvesting rights within these lands, are particularly important. Through this recognition, federal and park level actors have fostered the conditions for cooperation, allowing the park to be socially sustainable and preserving cultural diversity alongside biological diversity (Colchester, 1994; Dowie, 2011; Stevens & De Lacy, 1997). In Tanzania, although grassroots actors have legitimate authority from encompassing institutions, TANAPA's approach has solely focused on the sharing of economic benefits without recognition of the importance of spatial interdependence to villagers' welfare. This approach has had direct negative repercussion for the sustainability of the system and the wildlife within it. TANAPA's management approach has not only not worked, despite Saadani villages' socio-economic challenges, but also shows that a consistent lack of engagement has little to do with a lack of grassroots capacity. Further, it has illustrated that shared jurisdiction is a critical issue for Saadani villagers. Surprisingly, the Saadani findings corroborate an overwhelming amount of empirical evidence (Brockington et al., 2008; Brockington & Igoe, 2006; Colchester,

1994; Dowie, 2011) on how national and global conservation strategies and subsidiary institutions can often be very inadequate, in practice, for fostering healthy social-ecological interactions and for ensuring sustainability in conservation.

6.2.3 How do environmental institutions and cross-level interplay enable or hinder the social and ecological sustainability of protected landscapes?

The influence and overlap of institutions across levels of social organization is particularly visible in the comparative findings, and is useful for illustrating the importance of interplay in environmental governance. In Canada and Tanzania, institutional embeddedness and overlap triggered change and environmental outcomes across levels as a result of planned and unexpected interactions. *Functional* linkages, defined as de-facto connections in the domains of action of two or more institutions (Gehring & Oberthür, 2008), occurred when grassroots land use planning directly overlapped and/or interfered with national conservation planning. In this study, functional linkages illustrate *how institutional interplay can affect the effectiveness of environmental conservation (as it is for both cases), as well as how institutional interplay influences the emergence of political linkages* (connections by design) among apparently competing actors, as it is the case in PRNPR.

For example, in both countries there are clear overlaps and functional and political linkages between land tenure and conservation institutions. In Canada, park level institutions are recognizing some level of jurisdiction and subsistence rights of First Nations communities over protected lands (because of the functional linkage from spatial overlap), which have in turn led to political linkages, where competing actors are interested in the same lands and resources. In turn, this has positively impacted cooperation and conservation. In Tanzania, although the geographies of conservation might suggest the absence of spatial overlap (as villages have no jurisdiction or authority on park lands) there are nonetheless significant functional linkages from overlapping jurisdiction and spatiality. This is because of the particular approaches to park planning and management, and the characteristics of the social-ecological systems. Practically, community and park institutions operate and have jurisdiction over the same highly

mobile wildlife populations and often overlap spatially because of the many issues with lands and boundaries engendering conflict.

In both case studies, *interplay, or the lack thereof, has affected PA system design and performance through linkages which seem to be neither politically initiated nor fully functional in character*. In other words, there are significant impacts on the environment and on conservation institutions and management, which emerge from non-environmental institutions and other elements of governance as apparently contrasting as, for example, policies on social development and local governance.

In Canada, federal conservation institutions and park-level management systems are not regulated by and have emerged in disconnect from social and economic development frameworks, such as the Indian Act, education policy and programming, and provincial land and resource policies. However, these institutions and management regimes have also been affected by overlapping spatial and/or political jurisdiction, as well as by intended or unintended consequences of grassroots cultural practice and collective well-being. Clearly, describing the impacts of damaging policies such as the Residential Schools Program or constraining institutions such as the Indian Act goes beyond the scope of this research. Nonetheless, the findings offer evidence of the existence of direct links between these governance elements and chronic socio-economic ills within First Nations communities and their traditional territories. In turn, the disadvantaged status of a critical mass of aboriginal actors has come to affect not only the environment within traditional territories, but also the ability of grassroots institutions to confront damaging resource exploitation policies and interests from corporate, provincial and federal actors operating within different institutional domains.

In Tanzania, conservation actors and their institutions do not benefit from grassroots actors' degree of agency, enabled through avenues besides conservation frameworks, but rather are challenged to apply "full territorial control" as practiced in state-based conservation. Visibly, the interplay among actors and approaches to PA management have been affected by institutions other than those addressing environmental matters.

Last but not least in the assessment of fit and the appropriateness of institutions to address sustainability is the importance of interplay. Institutions connected to and shaping environmental governance within the two national parks have similar degrees of power shared between different levels of social organization. Despite the fact that final decision-making power is held at the federal/national levels for both PAs, *the findings suggest that it is the nature of interplay and approaches to multi-level decision-making, as much as institutional constraints, which have affected or hindered the ability of actors to influence environmental outcomes.* These outcomes include achieving institutional fit through multi-level institutional design, and ultimately, enabling the two parks and respective communities to share responsibility, gain legitimacy and attain necessary coordination across levels of social organization.

6.3 Contributions of this Research to Contemporary Scholarship

The most significant contribution made by this research is regarding the *importance and performance of institutions* in finding solutions to ongoing anthropogenic impacts on ecosystems and biodiversity, which is an issue at the core of scholarship in environmental governance (F Biermann, 2008). The empirical data in this study provide a clear picture of the policy and institutional mechanisms through which environmental institutions can undermine or positively influence the effectiveness of state-based biodiversity conservation. In particular, the research contributes to addressing the insufficient understanding of the political processes and the institutional mechanisms through which conservation management (Brandon et al., 1998; Christie & White, 2007; Duffy, 2006) and governance (Barrett et al., 2001; Brandon et al., 1998; Dudley et al., 1999) enable multi-level coordination and effective collective action in biodiversity conservation.

The findings illustrate the pervasive and yet still obscure *role of institutions and institutional interplay* in the emergence of expected and unexpected conservation outcomes (institutional causality) (Underdal, 2008). Further, the findings offer insight to scholarship by exploring the interdependence between environmental and biophysical conditions and institutions (Cicin-Sain et al., 1998; Cicin-Sain, 1993; Crowder et al., 2006) and highlight the institutional dimensions and processes through which adaptive

capacity can be enabled (Gupta et al., 2010; Pahl-Wostl, 2009) in social-ecological systems and in systems for environmental management.

This research supports empirical studies on institutional interplay that have emphasized how “inter-institutional influences significantly affect the development and performance of virtually all institutions” (Gehring & Oberthür, 2008, p. 188). In the two case studies, institutional and organizational interplay were both deliberate and unplanned, and have helped develop linkages that were both politically motivated and a consequence of overlapping land and/or resource assets. Another research area the research findings contribute to is the connections, and particularly the institutional connections, that can be made between adaptive capacity and sustainability (Gunderson & Holling, 2002; Raskin et al., 2003).

Although analytical concepts employed in the original design of the research did not make extensive use of current analytical frameworks on agency, this was more or less addressed in the analysis of data presented in Chapters 2, 3, 4 and 5, because of its importance to explain governance dynamics in both case studies. Current scholarship suggests there are significant knowledge gaps not only in terms of understanding what agency is, how it manifests and the conditions for its emergence (Dellas et al., 2011), but also on the approaches to evaluate agency and agents (Frank Biermann et al., 2010; Dellas et al., 2011). This research, which focused on agency of the state at grassroots and higher levels, offers some insights in this area of environmental governance. State agents are legitimate actors, recognized within the nation’s institutional frameworks, and have the ability and authority to participate in institution building processes (Frank Biermann et al., 2010). The findings illustrate how agency can be configured and exercised differently within different policy domains. Yet agency is also similarly affected, across national boundaries, by the application of frameworks disregarding spatial interconnectedness among grassroots actors and their ancestral places of habitation. These findings further validate scholarship on the spatiality of marginalization in resource development and environmental conservation (Adams et al., 2004; Bakker & Bridge, 2006; Brockington, 1999; Watts, 2004). Moreover, the findings support scholarship in environmental governance which suggests that agency is not a zero sum

game (Dellas et al., 2011), but that it must be exercised at all levels of social organization to tackle environmental conservation in a more effective and sustainable manner.

Another significant contributions made by the findings is explicating motivations which often guide top-down conservation, and the way they affect environmental outcomes. The fact that the findings suggest conservation practice is reminiscent of market practices, where economic interests can be more relevant to conservation than the protection of nature, comes as no surprise. After all, it has been documented both through policy and management analyses in Tanzania (Benjaminsen & Bryceson, 2012; Benjaminsen et al., 2013; Brockington et al., 2006; Neumann, 1998), and worldwide (Chapin, 2004; Dowie, 2011). However, what makes this trend more complex and significant is the way neoliberal conservation conceptualizes actors and informs the crafting of conservation institutions. Peterson and Isenhour's (2014) exploration of how market-based values and rational choice perspectives, based on a conception of utilitarian actors who seek to maximize individual gain, have come to sustain current conservation paradigms (Peterson & Isenhour, 2014), summarizes some of the problems articulated in this project's findings: "*if policies continue to be blinded by neoliberalism's rational actor –neglecting alternative values, restrictions on individual choice, and shared responsibility for degradation and appropriate solutions– neoliberal conservation's poor record of performance is unlikely to improve*" (Peterson & Isenhour, 2014, p. 231).

Conceptualization of actors as primarily driven by economic gain is strongly challenged by the comparative findings, both for ancestrally rooted indigenous communities on Vancouver Island's west coast and for the traditionally more nomadic, yet also spatially rooted African communities on the central coast of Tanzania. In this study, no national park agency policies on benefit sharing – from TANAPA or Parks Canada – have proven effective to foster cooperation towards addressing state-led conservation efforts. What lies at the heart of a community's nature of collective and institutional action goes beyond utilitarian motives, and suggests that in addition to critical spatial interdependencies are more complex spatial identities and meanings of space and place that go beyond utilitarian calculations.

Answering the question: How do we articulate such interdependencies and land-communities relationships at the level of institutions and policy? might seem too daunting of a task. Nonetheless, and despite the wide and but relatively shallow scope of the comparative findings, the findings expand on the traits of more human and effective institutional reforms, reforms able to foster different values and more holistic approaches to the conservation of nature. Clearly, the empirical findings hold relevance for contemporary inquiries on environmental governance. They also demonstrate that further research is needed on how the conservation establishment has become comfortable with and supportive of the current state of human rights affairs in conservation.

Another important area of environmental governance deserving thorough analysis includes understanding and documenting the institutional processes through which treaty nations allow provincial and federal actors to have meaningful roles in biodiversity conservation on treaty settlement lands, and ensure the same processes are in place for the broader traditional territories under the treaty nation's jurisdiction. For Tanzania, detailed research is sorely needed on the specific impacts of collective grassroots agency and community approaches to the protection of biodiversity and in contributing to global conservation needs. Another important area cutting across the entire body of the findings, although not fully explored in this research, is the nature and degree of vested authority and legitimacy of bureaucracies and non-state international actors/organizations to up-scale critical environmental decision-making without engaging the most affected, and how national institutional frameworks enable actors at the grassroots to challenge those decisions. This research also highlights the importance of making adaptability and fit pragmatic at the level of institutions and management approaches in state-led and large scale conservation. This issue is largely unexplored, and requires deeper and systematic research efforts within both the social and the natural sciences.

6.4 Implications for Conservation Practice and Environmental Policy

Framed by a broad and diverse set of spatial, institutional and qualitative perspectives on the environment and conservation, the multi-dimensional analysis employed in this research raises more questions than answers. Nonetheless, it illustrates a rich tapestry of the working and dimensions of environmental governance and the ways

in which they influences sustainability. In this regard, the findings point to at least three broad areas instrumental to efficiency, effectiveness and equity issues in state-led conservation, and more specifically in protected areas policy and practice.

6.4.1 Participation vs Agency

A critical issue is the nature of multi-level participation vs the meaningful exercising of agency by legitimate actors across levels of social organization. This area of analysis is central to disentangling what lies at the heart of current environmental woes in state-managed conservation. It is clear that in Tanzania, important environmental policy and institutional prescriptions have lacked clear mandates on multi-level engagement. Yet a greater obstacle to collaboration is the actual purpose of state-managed conservation. As currently conceived, state-based conservation refers to full territorial control, where institutionally powerful actors operate without their actions held accountable to the communities their decisions affect the most. Current institutional and organizational frameworks for state-based conservation will require considerable reforms towards equal partnerships and full consultation and collective consent in the planning and management of state-based conservation, in order to address institutional fit. For Canada, a most significant obstacle to multi-level cooperation is also directly related to lack of institutional fit or institutional gaps that affect First Nations' land tenure rights and approaches to collective land tenure and their degree of self-determination.

Also significant is the need to evaluate the premises on which conservation frameworks rest. In Tanzania, current frameworks have not grasped the importance of grassroots agency, but on the contrary, are set to realize conservation through different degrees of spatial fragmentation and separation of humans from natural systems. The indiscriminate application of this approach has enabled dispossession of those whose actions have actually enabled biodiversity to be protected. Since the approach has affected equality so strongly, it is no surprise that the country's conservation efforts lack effectiveness, let alone efficiency. Clearly, this is the most significant mismatch between SNP and adjacent villages with ancestral roots to park lands.

6.4.2 Spatiality and Sustainability: Access, Allocation and Jurisdiction

As long as the lands of ancestral communities continue to be allocated to the IUCN's "National Parks Category" sustaining biodiversity within these targeted landscapes will be as easy as gaining social legitimacy. In other words, pretty much impossible. Therefore, it is urgent that global conservation actors develop clear mechanism to prevent large scale conservation from subverting grassroots land tenure. It is similarly urgent that multi-lateral agreements attain support from comprehensive policies that subordinate strict management objectives (for nature reserves, national parks, etc.) to governance type (community-based, national agency, shared governance, etc.). These actions could help realize sustainable conservation in landscapes characterized by ancestral social-ecological communities. Again, taking meaningful action in the above direction will require changing the current conservation paradigm, which equates conservation to spatial control. In Tanzania, this paradigm is ingrained in state approaches and will likely remain so, as long as the global conservation establishment remains complacent with Tanzania's "evictions & spatial control" conservation methods.

In Tanzania, land tenure and local government institutions have effectively addressed issues of access and allocation, yet progress is constantly undermined by overarching conservation agencies despite their progress in implementing a "sharing of economic benefits" policy. This is because conservation approaches are unfit to address the needs of social-ecological communities. Entrenched conservation institutions and practice have accordingly come to create not only serious problems in distribution of burdens, access and allocation, but also in legitimacy. In Canada, overarching land tenure institutions have thus far failed to acknowledge the rights of ancestral First Nations communities, except, to some extent, for treaty nations. However, federal conservation institutions have realized the importance and facilitated the integration of grassroots actors in decision-making frameworks. Further, to various degrees they have allowed First Nations actors and their institutions to have a degree of control (jurisdiction), on what happens to protected lands within traditional territories, through the authority vested upon the Cooperative Management Boards. Interestingly, these efforts are taking place

even under conditions of institutionally undefined land and resource tenure (non-treaty status), yet culturally and spatially evident ancestral land use and habitation.

The status of affairs documented in the research findings is significant for reimagining conservation practice. Although access and allocation is important to address the fair distribution of burdens and benefits and to enable grassroots agency, in both cases, at the core of unlocking community agency and enabling success in conservation is the issue of shared jurisdiction. Access and allocation are better conceptualized as all-encompassing goals, whose effectiveness is dependent upon the degree of jurisdiction shared across local and park levels, not as a decision to be determined by actors whose lives are spatially disconnected from targeted lands and ecosystems.

Blaming lack of engagement on community developed capacity is only valid for so long. Indeed, the findings appeal to conservation approaches besides those that condone national actors gaining full control of lands, and conservation without accounting for communal land tenure rights and grassroots agency. Ensuring that communities have an equal say on the type and nature of spatial arrangements, protected rights to land and spatial embeddedness is what can best help to address environmental degradation and the entrenched social injustice that characterize many protected landscapes. In this respect, discourses on fair access and allocation will not work, nor will setting state-based conservation in a different path succeed in gaining local legitimacy and consent for global conservation efforts.

6.4.3 Fit and Interplay in Environmental Governance

The third area of conservation practice refers to institutional interplay and fit between environmental institutions and the environmental challenges and social-ecological systems to which they are applied. This two-dimensional issue is closely linked with the exercising of agency, and is very relevant to understanding current failures in approaches to environmental conservation. Negative or disruptive interplay and lack of institutional fit are a product of the amount of power vested in actors in higher institutional domains. But they also reflect the dominance of entrenched

worldviews that separate humans from nature, and the imposition of individual over collective interests.

It is critical to revisit the mandate and power vested in conservation agencies and institutions. In Tanzania, conservation institutions like the TANAPA Act, the Environmental Management Act, and the Wildlife Conservation Act must undergo comprehensive reforms to enable their harmonious integration with other institutional frameworks and give stronger roles to grassroots bodies in land and resource decision-making and stewardship. In the case of TANAPA, having a body with strong legislative and enforcement powers (or the ability to create rules and enforce them in an unilateral fashion) and operating without a duty to be transparent and accountable, has ultimately undermined the purpose of environmental conservation itself.

A second, and not less significant dimension of conservation practice findings are applicable to is the centrality of spatial interconnectedness and interdependence to institutional fit. No matter how diverse the insights generated through the empirical analysis, they all appear to be directly or indirectly connect the “spatial interdependence” variable, for which land tenure institutions exist in various dimensions of conservation. Nevertheless, looking at the intricacies of land tenure institutions have so far been ignored in global conservation frameworks. At the most basic level, conservation systems are all about exercising some sort of control of human behaviour across a defined spatial scale, as well as proactively addressing its impacts on the environment. Yet, conservation systems have also become an instrument for the accumulation of wealth, which suggests that land tenure institutions are being fully and consistently disregarded by global conservation actors. Through the violation of community rights and tenure arrangements, inadequate management of wildlife and the undermining of community agency, this inappropriate approach has defeated the actual purpose of conservation efforts.

6.4.4 Governance Capacity and the Capacity to Adapt

Last but not least is the issue of capacity at various levels of social organization, in terms of engagement in conservation and adaptation to current changing socio-economic and environmental circumstances. Overall, a lack of community engagement

cannot be justified in SNP and PRNPR on the grounds of lack of capacity. As indicated in both Chapters 2 and 3, there is a great deal of capacity at local levels. The findings in these two chapters are most useful for illustrating the existence of capacity at the grassroots level and potential for cross-level cooperative conservation. Moreover, the two cases point to national/federal institutional adaptive capacity, or lack thereof, as a major driver and central question in effective state-managed conservation. If anything, national conservation agencies should be devoted to better understanding the connections between adaptability and sustainability in environmental conservation.

In sum, the theoretical and empirical insights of this research – regarding aspects of causality in governance architectures, institutional design and interplay in enabling agency, institutional fit and cross-level cooperation, and the preponderance of spatial interconnectedness to environmental sustainability – provide a strong justification for reassessing how environmental governance and institutional adaptive capacity can better serve the needs of social and ecological communities to more effectively tackle actual environmental needs, rather than the aspirations of global conservation actors.

6.4.5 The Way Forward

Accumulated empirical findings from the literature and findings within this research directly suggest that the national park model does not work to support the persistence of healthy ecosystems, for most if not all biodiverse landscapes, because of its misconception in uprooting the cultural diversity that is known to be the best asset in protecting biological diversity. Neither is the model appropriate to support the rights and sustainability of communities whose efforts and ways of living have allowed wildlife and biodiversity to persist. Not only does it not fit with dominant social-ecological conditions within biodiverse areas, but it has actually become an instrument of oppression and accumulation of wealth. Yet, current engagement efforts in Canada offer some hope for reforming and improving strict state-led conservation. Setting state-led conservation on a different path, however, will entail making strenuous efforts to reconfigure the direction of global conservation agendas, and the fulfillment of principled actions that are effective to:

- Promote conservation through the preservation of collective land tenure rights and sound multi-level planning, management and monitoring
- Redress past injustices and prevent new evictions and dispossession in the name of conservation
- Enable the establishment of state-supported conservation systems that draw on both scientific knowledge and traditional knowledge in the design of harmonious people in natural landscapes (it must be acknowledge that within indigenous conservation systems there are a multiplicity of approaches to protected biodiversity that include the establishment of no-use, low-use and other types of zones with diverse objectives) and on providing support to strengthen the agency of local spatially rooted actors rather than replacing them with unaccountable, national agents.
- Frame conservation planning and management as much in relation to what happens outside as within protected landscapes
- Ensure the frantic and steady implementation of compliance mechanisms that prevent powerful corporate actors from trumping on the rights of indigenous and local communities
- Subject financial and political support to national conservation initiatives to full compliance with the protection of basic collective land and other rights. Where national sovereignty is invoked to implement unsustainable conservation and disregard human rights, the international conservation establishment must make considerable efforts—equal or greater to those it has so far made to enable the wholesale and global adoption of strict conservation—to gain global support to confront injustices through concerted global action

Sustainability, social and ecological, is at the heart of challenges in state-led conservation. Although national conservation policy and environmental law making are confined to and mediated by each country's internal institutional processes, there is no doubt that multilateral bodies and global conservation establishments have a critical role to play in informing sovereign nations on the scope and potential of alternative approaches and to provide sound expertise drawing on both social and natural sciences.

6.5 Conclusions

This thesis has demonstrated that there is a large quantity of developed and potential capacity at the grassroots both in Canada and Tanzania. The existence and importance of agency has been illustrated through both case studies. In Tanzania, agency was shown to be undermined by conservation approaches, while in Canada, agency was found to be of benefit to conservation practice. In this regard, powerful state agents have a choice to promote or subvert agency. Their choice will directly determine the types of conservation outcomes park agencies achieve. Ultimately, the research shows that if state actors choose to foster agency and benefit from it, they will not only be in a better position to find ways of protecting what remains of biodiversity and ecosystems (through fit and adaptability), but they will also be able to cultivate such biodiversity through the preservation of cultural diversity. The research findings not only suggest that protecting ancestral communities and their land tenure is important, but they also demonstrate that spatial interconnectedness can be enabled through institutional design and facilitated through fair multi-level governance. Indeed, meaningful multi-level governance has a dual purpose of keeping higher levels actors accountable and enabling biodiversity to persist. In his book “A theory of Justice”, Rawls stated: “*A theory, however elegant and economical must be rejected or revised if it is untrue. Likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust*”. This quote represents the essence of this dissertation. No matter how much success the global conservation establishment may think it is achieving by having larger extents of land and sea set aside as PAs through unconditional support of state-based conservation, if state-based approaches are undermining the welfare of vulnerable communities, they should be stopped, and alternative ways should be adopted for dealing with current environmental challenges.

Epilogue

This epilogue provides a summary of important outcomes emerging from the dissemination of the research findings. In particular, it elaborates on the latest developments on the case of Uvinje village (one of the sub-villages adjacent to SNP) in its efforts to have their land rights reinstated. Uvinje is one of the three sub-villages comprising Saadani village. This small community, of about 130 members, have been engaged in a 15-year- long conflict with Tanzania National Parks Authority (TANAPA) to have their land rights first respected and later reinstated, without much success achieved until recently. Yet, as of October 2015, their land rights are yet to be reinstated.

Enabling Two Way Benefits

As part of the process of generating knowledge collectively and achieving reciprocal benefits there were exceptional interactions with local institutional bodies. These interactions both provided unique insights and satisfied some of the knowledge needs at the grassroots level. Among these was Saadani's Council request to physically identify the park boundaries with their members. During this field walk with members of Saadani's Village Council, we travelled along what were until then unclear and imaginary boundaries between the park and the village center. Leaders were sadly surprised to see the reduced amount village territory left for their habitation, which did not seem, based on their recollection of past park-village consultations, to honour their agreements with TANAPA at the time of creation of the national park. It was during this interaction, in early 2013, when they requested an assessment and the mapping on the specific spatial arrangements characterizing the transition from Saadani Game Reserve (SGR) to Saadani National Park (SNP). This demanded further document research on the specific agreements giving rise to the Saadani game reserve. But the official 1974 game reserve gazette and related documents were nowhere to be found.

A few months later, having made little progress in gathering the essential "public domain" official SGR gazette document, Uvinje leaders also requested an independent assessment on the spatial and institutional arrangements leading to the creation of the SGR and the modifications made to such agreements by TANAPA in the process of

creating the national park. Uvinje shared its village archives, which contained a variety of official letters and reports documenting both TANAPA's arguments on their allegedly unlawful habitation within park boundaries and the villagers' numerous early appeals to have, initially, their land rights respected and later to have them reinstated. With Uvinje's data at hand, and thanks to the advice of professionals with experience on Tanzania's legal and political contexts, steps were taken to make a request to Haki Ardhi an NGO addressing village land issues, to carry out its own independent assessment on Uvinje's claims. During this process, the villagers of Uvinje were also linked with a pro-bono legal team who committed to represent them, but ended up not following through on the commitment.

Meanwhile, it became clear that there was a "park establishment record" distributed to only some of the villages. After formal requests were made, two other villages shared those documents forward. All these documents provided a detailed yet incomplete background on the SGR and the spatial arrangements leading to the creation of the SNP. Because of this, further efforts were made to find the official SGR gazette and to identify if there were original beacons demarcating the reserve's boundaries.

Disenfranchisement by the State

Further networking and research enabled the localization of the official gazette. Then came an unexpected discovery, by Uvinje villagers, of two of the permanent beacons demarcating the original reserve boundary. These data then allowed identification of the overall extent and location of the game reserve and to geo-position the original eastern boundary of SGR. These two critical pieces of information enabled discerning the scope of TANAPA's actions to rescind the villagers' land tenure rights, and corroborated elders' accounts gathered during the initial stages of the research. However, to be sure of the results of the analysis, further document research on peer-reviewed and other official documentation on Saadani took place. This search led to the identification of archival data on the reserve's governance and management, as well as to a critical report on research commissioned by the Wildlife Division itself to the University of Dar Es Salaam. The report coincidentally validated the spatial analysis made using the original SGR gazette. All this data finally led to the completion of a

report on the spatial and institutional dynamics involving the creation of SGR and SNP. The report was presented to village leaders in Uvinje and Saadani in June 2014.

Applied Research and Communal Rights

At the time of release and presentation of the research brief to the villagers in early June 2014, Tanzania National Parks Authority (TANAPA) was in the process of taking final steps to evict Uvinje villagers from their ancestral land. On June 4th and 5th, TANAPA carried out an armed compensation assessment exercise, where a small contingent of the police force was tasked with helping TANAPA to assess the land and properties in the sub-village, despite Uvinje's collective opposition to vacate its territory or settle for compensation. Under these circumstances, Uvinje requested support to bring the findings forward. Following their request, steps were taken to approach various institutions willing to hear their plea, and to advocate with the findings for a just resolution to what was evidently a land-grab that had nothing to do with wildlife conservation. To the benefit of the villagers, the online blogging and re-blogging of the report called the attention of human rights and other organizations worldwide, whose actions to assess and address the claims of Uvinje have precipitated a series of events which have so far prevented the forceful eviction of the Uvinje villagers from their lands, and which have enabled them to have access to critical legal support to demand the reinstatement of their tenure rights.

In brief, these organizations and experts have stepped in to denounce the actions of TANAPA before multilateral human rights and conservation bodies and the Tanzanian authorities, and to request an immediate cessation of the planned eviction of the Uvinje villagers. The chronology and nature of events is summarized in Table 1-7, and Appendix 3 contains the primary research brief and articles and critical letters developed by international organizations, all of which draw heavily on the evidence presented in the report given to village leaders. Ongoing efforts to advocate for a fair resolution to the violation of the land tenure rights of Saadani villagers and to enable further journalistic and scholarly examinations of the case, will include:

- A regularly updated blog showing articles, advocacy efforts, case data sources and spatial/cartographic findings on the case (already under development).
- A Wikipedia entry on Saadani to make available all archival data on the historical evolution of conservation and development processes in the Saadani landscapes and the most significant outcomes they have precipitated for both social and ecological communities
- Full printed reports (in Swahili) on the research available to all Saadani villages participating in the research
- Online document repository for easy access by international organizations concerned with addressing the human rights of Saadani villagers (already in place)
- Data sharing and lending of expertise to Saadani leaders, Village Councils and international advocacy organizations on a request basis.

A Reflection on Knowledge Mobilization and Positionality

There can certainly be strong synergies between the ideals pursued through social-spatial research and the methods and approaches adopted to carry it out. However, it is clear that having noble goals does not necessarily translate into having noble means in carrying out research, yet, when these two factors come together, results can be astonishing. Gathering critical data in Saadani communities took time and certainly trust, yet achieving “two-way benefits” was not as much dependent on being present as it was on being committed.

The efforts to use research to uphold collective rights took place after the outcomes of the analysis of the empirical data unambiguously pointed to the violation of communal rights by TANAPA. Certainly, the research questions, methods, data and efforts to analyze and share the data are closely connected to and informed by my position as a researcher concerned with the fair engagement of people in decisions that affect their lives. However, this positionality is what allowed me to tease out the nature of community leadership and institutional capacity, to follow the research ethics, and to act based on principle both in gathering the data and presenting research results. Essentially, the purpose of the dissemination of findings was to help others to accurately understand

governance dynamics and it was done through developing quality work regardless of whom it was being offered to or whose interests were being affected. In the end, my greatest bias has been to act upon the firm believe that the ultimate purpose of the generation of knowledge is to understand reality and that if this knowledge proves injustice is taking place then actions need to be taken to avert violations of the rights of minorities and vulnerable groups. Nonetheless, I would have been unable to make a difference in advocating for communal rights without having come to know and engage with villagers standing firm and clear on their collective ideals and well-being and willing to sacrifice short-term benefits for long-term collective goals.

Certainly, the case of Uvinje and SNP is a quite powerful example of the need for meaningful multi-level institutional engagement on land and wildlife conservation efforts– efforts that are intricately connected to communities’ collective rights and welfare, as well as to their ability to contribute to the protection of biological diversity.

Table 6-1. Stages and outcomes of the knowledge mobilization process.

KMb Goals	Initial Outputs	Findings	Addressing HR	Outcomes	Ongoing processes and organizations involved
Share findings with village level decision-making bodies	Scientific research report on spatial and institutional arrangements leading to the establishment of SGR and SNP	Findings exposing human rights issues and unethical conservation practices & coincidentally released parallel to eviction of one of Saadani's sub-villages	Sharing findings through news articles, research blog, online petition & Twitter	Legal Action	Minority Rights Group (MRG): have sent letters to the UN Special Rapporteur on Indigenous Peoples and the African Union denouncing the actions of TANAPA, HR being violated, and to request action to stop abuses (See Appendix 3)
					Tanganyika Law Society giving legal representation to Uvinje and Saadani with support from Canadian Law Society in Tanzania
					Protimos (UK-based lawyers) providing legal advice to Uvinje
					Natural Justice (Lawyers for communities & environment) enabling networks with advocacy orgs
				Advocacy	Indigenous Peoples' & Community Conserved Territories and Areas (ICCA) International Consortium : Wrote open letters to President Kikwete requesting reinstatement of Uvinje's tenure rights and support for their community-based conservation activities
					Numerous legal, land tenure and conservation experts giving information, funding and technical support to Uvinje
				Re-blogged/ shared	Just conservation Org (Dan Brockington) sharing research & ICCA letter
					Intercontinental Cry (Supporting Indigenous peoples rights) sharing forward research and ICCA letter
					Global Biodiversity Foundation: reposting research and ICCA letter
					Online activists: research findings and petition shared with more than 50 organizations worldwide
ICCA Web-page: Blogging Open letter to Kikwete and research blog					
To address villages' spatial and institutional information needs	Independent report by Tanzanian NGO (Haki Ardhi) on land issues around and within SNP	Findings corroborating the institutional dynamics described in the present research	Findings shared with local and online media	News /Reports /blogs	The Citizen (TZ) State-owned media sharing at least six reports on the case, including the ICCA letters; The Guardian (TZ): 6 news reports on the case; Clouds TV (TZ): four tv and radio programs on the case; Mawio Newspaper (TZ): First to report on the case in Dec 2013; The Ecologist (Global): News Analysis on the Uvinje Case; Mwananchi Newspaper (TZ): two or three reports on the case

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Appendix 1: Research Contexts for Canada and Tanzania Case Studies

1. Canadian Context

1.1 Canada's Institutional Framework & Environmental Conservation

Enjoying a tenure framework particularly favourable to the state, Canada's approach to establishing national parks has been, until recently, primarily unilateral and characterized by economic motivations rather than ecological conservation (Bella, 1986). Canada's first national park, Banff National Park, was established in 1885. In 1911, the Dominion Parks Branch (now Parks Canada Agency) would become the first park service worldwide (Agency, 2013). Although the Parks Canada Act was passed by parliament in 1930, it was not until the emergence of new policy reforms in the 1970s that ecological values were prioritized over resource extraction in the country's protected landscapes (Dearden & Berg, 1993). Presently, 844,088 km² (8.56%) of territorial land and 35,859km² (1.35%) of territorial waters in Canada are protected (WDPA, 2012), with national parks comprising about 3% of Canada's total land area. As of 2014, Parks Canada has 45 national parks under its care, eight of which fall under the category "Park Reserves", due to unsettled Aboriginal land claims involving park lands. Pacific Rim National Park Reserve was established in 1970, and has a terrestrial area of 511 km². The park is comprised of ecologically important terrestrial, littoral and marine environments harboring highly diverse fauna and flora populations.

Federal approaches to park establishment and management have been markedly influenced by social, legislative, policy and legal processes. What is now considered as a shift towards co-management within parks reserves (Brown-John, 2006) has not diminished the degree of power vested in federal agencies. This shift has been a direct outcome of legal battles, and has come to redefine the relationships of these agencies with customary landholders and to challenge top-down exclusionary resource management and conservation (Brown-John, 2006). This section briefly explores some relevant aspects of Canada's land and resource tenure framework, central policies and institutional provisions affecting grassroots governance and resource management

approaches, and key court rulings redefining the fate of Aboriginal communities, formerly fully embedded in the tapestry of today's protected lands and seascapes.

1.1.1 Evolving Land Tenure and Resource Management Entitlements

In Canada, the recognition of long-standing Aboriginal community land and resource tenure rights is a time consuming and expensive legal process. Known as “treaty processes”, negotiations among federal and provincial governments and Aboriginal communities on the fate and control of asserted traditional territories and associated resources is an important dimension of state-managed conservation. Canadian treaties between Aboriginal peoples and the Crown, – or in its representation by the federal government – have been taking place since the 1700s, and retain the same central purposes (Curry, Donker, & Krehbiel, 2014; McNeil, 2004). In essence, treaty processes negotiate the degree of self-rule and territorial control of the land and resources, rather than granting ownership of territories.

Whereas modern institutional premises on land ownership have not changed since colonial times, the enactment of the 1982 Canadian Constitution reinforced the legality of Aboriginal rights acquired through former treaties and directly identified the Métis, Inuit and Indians as the country's Aboriginal peoples. Moreover, this central institution is said to have recognized the existence and continuation of Aboriginal rights, laws and systems of governance in place since pre-colonial times (Dearden & Langdon, 2009). Similarly, court rulings have played significant roles in elaborating on the legal implications of rights vested in Aboriginal peoples (Curry et al., 2014; McNeil, 2004; Mcneil, 2012; Morellato, 2009; Ray, 2010). These include court rulings on Aboriginal constitutional resource use rights preceding the enactment of the 1982 Constitution, which cannot be unilaterally extinguished by the Crown *Sparrow v The Queen* [1990]; on sovereign Aboriginal laws and title over lands which are pending or excluded from treaty, and the validity of oral history as a legal form of evidence to negotiate pre-existent rights *Delgamuukw v British Columbia* [1997]. Other significant court rulings ruled on the strength of treaty rights, which are not subject to Provincial Crown resource regulations *Marshall v The Queen* [1999]; and on the Crown's legal duty to consult and

accommodate First Nations interests wherever it plans to undertake actions which might affect such interests *Haida Nation v British Columbia* [2004], among others.

In the face of significant institutional reforms challenging the social and institutional status quo of the Aboriginal peoples of Canada, there is ongoing debate on the nature and dimensions of Aboriginal title and resource ownership. Particularly, there are recurring issues with the extent to which the overarching governance framework encompasses both pre-existent Aboriginal self-determination and Crown sovereignty of colonized territories, and between Crown land control and ownership and Aboriginal rights and title. Defined as “an exclusive right to the land and to choose the uses to which it is put” Aboriginal title also encompasses “territorial sovereignty” or “exclusive jurisdiction” over a specific territory (F. N. of British Columbia, 2007, p. 3). Notably, the findings of this research suggest critical reforms and rulings in land and resource use and control are enabling important changes for marginalized communities and their colonized territories. This is despite the fragility of Aboriginal political rights and the nature of their subordination to the rights of the Crown.

1.1.2 Land Ownership

Canada’s territorial lands and waters fall under the ownership of the Crown, represented by the federal and provincial governments. At present, about 90% of the land is also under government control, with about 41% and 48% of the country’s lands classified as federal and provincial crown lands respectively (Cahill & McMahon, 2010). The rest of the territory is under private control or what is also described as “fee simple”, privately held but still owned by the government (Bale & Brierley, 2006). Private hold enables exercising control in terms of land use, but does not include full rights to underground resources (Bale & Brierley, 2006).

In the nation’s areas under significant land agreements¹, there are different types of land use and control, but also different percentages in the share of revenues between the federal and Aboriginal governments. Areas falling under treaty or any land

¹ These include the 1992 Nunavut Lands Claim Agreement, or the more recent Maa-nulth Treaty on Vancouver Island’s West Coast (ratified in 2011),

agreements are automatically recognized as asserted traditional lands where Indigenous communities have input on land use and governance. Of these areas, a percentage of territory (different for each negotiating nation) is classified as “settlement lands”. Nations exercise full self-governance and socio-economic control on settlement lands, which normally also include rights to a percentage of subsoil resources. In the case of Nunavut First Nations, settlement lands accounted for close to 19% of the total extent of their officially recognized traditional territory. This was an unprecedented win for Aboriginal peoples in the country, and indeed, the world. The extent of settlement lands for the Maa-nulth Treaty Agreement is different for each of the four signatory nations. However, settlement lands never more than 10% of the total extent of the nations’ traditional territories.

1.1.3 Control over Land, and Resource Management and Conservation

The federal and provincial governments hold full resource use and management rights over Crown lands falling under or excluded from treaty processes. However, because of judiciary rulings, it is now a duty of the government to consult and accommodate Aboriginal interests in Crown lands on asserted traditional territories.

Fall under federal jurisdiction, national parks in Canada have until recently been created through unilateral decision-making. Whenever provincial jurisdiction over proposed park lands is involved, there are government to government negotiations which allow provinces to relinquish control of territories under provincial jurisdiction in exchange for financial agreements, and/or access to or control of other lands and resources.

In proposed park areas involving Aboriginal land claims, Parks Canada is able to create “National Park Reserves”. These designations allow the agency to continue with conservation processes, while creating opportunities for First Nations to negotiate full or partial jurisdiction of park lands through treaty negotiations. Canadian national parks have also undergone critical changes regarding subsistence and other resource use demands within park boundaries. Initially, resource exploitation was an important feature of protected landscapes, as an outcome of lobbying for economic purposes (Bella, 1986;

Brown-John, 2006). Subsequent shifts in conservation values enabled changes in policy, preventing mining and large scale extraction within protected areas, but also gradually increasing restriction on subsistence use on the part of Aboriginal groups (McNamee, 2009). Further changes in the mid-1980s gave way to more balanced conservation approaches in national parks, which acknowledged the demands of ecological integrity by eliminating of all forms of commercial resource extraction, and also acknowledged the subsistence harvesting needs of Aboriginal peoples (Parks Canada, 2013). As stated by Parks Canada today, Aboriginal communities traditionally residing in federally protected landscapes have the right to remain connected to the land through cultural practice and subsistence harvesting (Parks Canada, 2009, 2013).

Land use decision-making by provincial governments is another dimension of conservation practice which affects the ability of Aboriginal communities to determine the fate of their traditional territories and associated resources. In British Columbia, where considerable extents of forested and other lands have been leased to logging and other industries, the Province's current official position is that land use planning has been essentially completed (P. of British Columbia, 2006). Yet because of court rulings (2004 Haida vs BC) prescribing the Crown's duty to consult and accommodate Aboriginal rights and title, there is now a "referral" system, through which the Province requests information on asserted Aboriginal tenure and the possible impact on First Nations interests from land and resources developments proposed by the Crown (Morellato, 2009).

1.1.4 The Indian Act, Treaty & Aboriginal Title

Achieving self-determination or genuine self-rule is at the heart of the struggles of Aboriginal peoples in Canada. Affecting this central purpose of self-determination has been the Indian Act, which has had wide ranging impacts on First Nations well-being and development. Specifically, the Indian Act has impacted First Nations governance (including the organizational and institutional set-up required for official recognition of Aboriginal bands and their institutional bodies); on identity (by asserting qualifications to be recognized as an Indian and a member of a band); on socio-cultural development

(including health, education, and cultural practice); and on land rights and economic development (including Indian reserves, housing and economic activity within reserves). Often criticized as a complete subordination to colonial rule and control, the Indian Act has been strongly condemned. The Act also remains controversial, particularly because after 150 years since its enactment, Aboriginal peoples in Canada rank first in extreme poverty, poor housing, declining physical and mental health, crime and suicide rates, among other socio-economic maladies. This dire status is even acknowledged by the Ministry of Aboriginal Affairs and Northern Development in charge of implementing the Act (Aboriginal Affairs and Northern Development, 2003).

In search of other paths to self-rule, Aboriginal peoples in Canada have turned to treaty negotiations as a possible avenue for gaining title and control over traditional territories. There is a significant number of nations currently engaged in the treaty processes. In the case of British Columbia, one-third of all First Nations residing in the province are engaged in the treaty process. Each of these nations have been in negotiations since the early 1990s,, and fewer than five agreements have been fully approved and finalized to date (Curry et al., 2014). Negotiations on comprehensive land claims were not initiated by the Crown, but rather are the result of ground-breaking court rulings. Rulings like the Calder case (Aboriginal Affairs and Northern Development, 2003; Elias, 1989), provided a stronger basis for the recognition of Aboriginal title. However, Aboriginal peoples face complex issues when pursuing a treaty as a path to self-determination. As explained by (McNeil, 2004), the existing legal framework devised through Crown sovereignty differs from the nature of “Aboriginal title” conceived in Aboriginal law. McNeil quotes Leroy Little Bear’s explanation: *“In summary, the standard or norm of the Aboriginal peoples’ law is that land is not transferable and therefore is inalienable. Land and benefits therefrom may be shared with others, and when Indian nations entered into treaties with European nations, the subject of the treaty, from the Indians’ viewpoint, was not the alienation of the land but the sharing of the land.”* Quoted by (Mcneil, 2012) from Leroy Little Bear, "Aboriginal Rights and the Canadian `Groundnorm', in (Ponting, 1986) [J. Rick Ponting, ed., *Arduous Journey: Canadian Indians and Decolonization* (Toronto: McClelland and Stewart, 1986, 243 at 247].

Dr. Leroy's contribution is complemented by other Indigenous scholars' examinations of the nature and implications of treaty processes as paths to self-determination. Sloan's (2013) examination of anthropologist Michael's Asch work is of particular interest for this analysis. Through advancing ideas such as "temporal priority", Asch counteracts Eurocentric misconceptions of colonized peoples and territories that pervade colonial state rule and territorial control and treaty processes themselves (Sloan Morgan, 2013). Moreover, through the articulation of a different paradigm of colonized lands, Asch's contribution further redefines the purpose of treaties in terms of shared tenure rather than land distribution (Sloan Morgan, 2013). In turn, this redefinition can influence perceptions of self-determination as a means to peaceful co-existence rather than fragmentation and isolation. These analyses by McNeil and Sloan of Indigenous scholarship on treaty processes have serious implications for the nature of past treaty agreements and the modern treaty processes, if, as their examinations suggest, treaties should be considered the avenue through which fair interplay (of different actors and their structures) leads to shared spatiality and healthy interconnectedness. All of this becomes more significant under the Charter of Aboriginal Rights, protected by the 1982 Canadian constitution, which acknowledges and favours the persistence of Aboriginal laws and title on territories under Crown sovereignty (Dearden & Langdon, 2009).

1.1.5 Parks Canada Act

The Parks Canada Act marks the birth of the Parks Canada agency, and its role in protecting not only ecologically significant areas, but also Canadian places of historical and cultural importance. As specified in the Act, Parks Canada agency has no power to make any regulations under the Act. The Agency is supported through direct funds approved by parliament and is able to collect and use fees and other revenues in the implementation of its functions. In addition, Parks Canada can, under the authorization and guidance of the Ministry in charge, enter into contracts and arrangements with other levels of Canadian government and other governments in the design and implementation of the protection of naturally, culturally or historically significant places (Government of Canada, 1998).

Other provisions on financial management, including duties and responsibilities related to the creation of park management plans, presentation of reports to the Minister of the Environment, and conservation planning and reporting, are also described in the Act. Descriptions of the responsibility to engage aboriginal governance bodies and populations in the creation and management of national parks are not included in the plan, except for a general statement recognizing that the agency needs to take action to address various aspects of park planning and management.

1.2 National Parks Governance & Management

1.2.1 Parks Canada Agency Policy on Cooperative Management

Canada's state-managed conservation dates back to 1885, with the establishment of Banff National Park. However, Parks Canada policies on cooperative management of national parks are very recent and are considered a direct outcome of court decisions and the enactment of the Constitution, both of which strengthened Aboriginal rights and title (McNeil, 2004). Despite the lack of a clear mandate in the Parks Canada Act to engage various actors in cooperative park planning and management, cooperation approaches have been incrementally applied over the last 30 years (Brown-John, 2006). For example, Parks Canada has an operational policy for addressing "Aboriginal interests" (Parks Canada, 2009). As stated on the agency's official webpage, under this policy: "...Parks Canada works within Canada's legal and policy framework regarding Aboriginal peoples' rights, as recognized and affirmed by Section 35 of the Constitution Act, 1982 (Parks Canada, 2009). Accordingly, Parks Canada will consult with affected Aboriginal communities at the time of new park establishment and historic site acquisition, or as part of an Aboriginal land claim settlement". Therefore, in the Canadian context, government to government consultation remain a duty of the Crown in all that pertains to land and resource use and conservation. Moreover, Aboriginal rights to resources is guaranteed in protected territories, unless conservation requirements demand limitations to such rights. In this circumstance, the Crown is required to compensate for the infringement to nations affected by resource use restrictions (Parks Canada, 2009).

Through strategic partnerships, Parks Canada has developed multi-level collaboration processes with nations pursuing land claims on ecologically rich traditional territories. First Nations territories often reside on “provincial crown lands” and become a target for province-controlled timber forest licenses (TFLs) (See Maps in Chapters Two and Three for an illustration of TFLs adjacent to PRNPR). These partnerships are particularly important to environmental sustainability, because provincial TFLs concessions to industry are often considered to amount to little more than exploitation of the landscape. These critical steps in collaborative management have led to the establishment of significant agreements, such as one signed with the Haida nation, despite yet unsolved differences on jurisdiction and title over protected territories (Brown-John, 2006).

The Gwaii Haanas National Park and Reserve has enabled synergies between conservation and Aboriginal land and resource stewardship goals, and has implemented collaborative approaches for addressing ecological integrity and cultural and socio-economic needs of the Haida people. Presently, Parks Canada has developed significant agreements, in term of resource use and protection, heritage conservation and overall environmental stewardship with numerous First Nations in numerous provinces and territories (Halpenny, Bowman, Aubrey, & Eagles, 2003). The degree of engagement, however, is dependent on the interests and institutional strength of the nations involved.

1.2.2 PRNPR Policies on Cooperative Park Planning and Management

There are four key strategies within the PRNPR Management Plan, which are crafted to guide all central decisions on land and water use and conservation approaches and all other park objectives. The four strategies include: (1) to work with First Nations partners; (2) protecting and restoring cultural and ecological wealth; (3) managing the coastal zone; and (4) enhancing community relations and visitors experience (Canada, 2010). These strategies are guided by three principles: (1) respectful cooperation; (2) experiencing living history; and (3) protecting nature and culture. Importantly, this management plan is grounded in the acknowledgment and undertaking of multi-level engagement in both design and implementation of conservation approaches. Parks

Canada's organizational and institutional arrangements for addressing multi-level engagement and its impacts on Nuu-cha-nulth land and resource governance, together with an examination of important social and environmental outcomes are explored in detail in Chapters Two and Five. Table 1 below contains a summary of the objectives and targets contained within the plan's first key strategy: working with First Nation partners.

1.3 Vancouver Island's West Coast and the PRNPR

1.3.1 Vancouver Island's West Coast

With the highest annual rainfall in Canada, Vancouver Island is composed of dense temperate rainforests and unique coastal, riverine and marine ecosystems, home to ecologically diverse and commercially important aquatic and terrestrial species. Vancouver Island's West Coast is also home to the Nuu-cha-nulth First Nations, which is comprised of 15 First Nation groups (Vancouver Island, 2014), nine of which are spatially connected to PRNPR. The island's West Coast is also home to Clayoquot Sound, an area designated as a UNESCO Biosphere Reserve in 2000 (Trust, 2011) and the unique areas comprising Pacific Rim National Park Reserve (PRNPR). Equally significant to Vancouver Island's present and future sustainability are the ongoing demands on potential non-renewable resources extraction (gas, oil, methane), mining, and current rates and extent of industrial logging (See Maps 3 and 4). These economic activities significantly threaten the islands cultural and ecological diversity, the integrity of its ecosystems and their ability to sustain human and natural life.

The West Coast of Vancouver Island has a rich history of interactions between strong competing interests from industry, government and First Nations. These interactions have led to numerous struggles addressing environmental and land use and management concerns, and also to the establishment of institutional frameworks built upon ground breaking principles of inclusion of legitimate stakeholders (See (Dobell & Bunton, 2001) for a history of the Clayoquot Sound).

Table 1. Sets of strategies and objectives to implement PRNPR park management plan key strategy “To work with First Nations partners” (Canada, 2010).

Objectives.	Target	Actions
Formal, cooperative processes are established for PRNPR in collaboration with partner First Nations	Structures are formally adopted by 2015	Taking all necessary steps to involve nations in cooperative management, which range from identifying their initial degree of interest to establishing Cooperative Management Boards (CMBs)
	All PRNPR staff and FNs CMBs have taken cross-cultural awareness training by 2012	Ensuring staff are informed on various legal and cultural processes of respective nations, and abiding by and enabling mutual knowledge on mandate and procedures guiding multi-level decision-making and Parks Canada’s functions and operations
Visitors experiences related to authentic Aboriginal and to generate Aboriginal economic benefits	Increasing experiences available to tourists and their satisfaction with their range and quality. Increasing economic benefits & park visitors	Consultation with FNs on involvement on park-visitors experiences; exchange tools and expertise with FNs to develop Aboriginal tourism initiatives; incorporate FNs content into the park’s planning cycle and information bulletins
	Annual workshop between PC & FNs	Collaborate in creation of workshop to share information, projects and address collaboration in joint ventures and to assess progress in the PMP
Collaborative undertaking of natural and cultural resource management and conservation	Increase number of collaborative projects and initiatives, and ensure a greater number of formal management mechanisms become collaborative	CMBs review and guidance on resource conservation work plans in order to provide advice on opportunities for involvement of FNs and traditional knowledge in the plans

1.3.2 Pacific Rim National Park Reserve (PRNPR)

Established in 1970, The Pacific Rim National Park Reserve (PRNPR) became the first national park on the West Coast of Canada. Its status as a “park reserve” has its roots in ongoing or unsettled First Nations land claims and treaty negotiations. This status allows Parks Canada Agency to continue with federal national parks conservation processes established by law, while also permitting First Nations claims on park lands (Parks Canada, 2013). The Park is composed of three separate geographic units. The West Coast Trail (WCT) on the southern part of West Vancouver Island is connected to the Nuu-cha-nulth traditional territories of the Huu-ay-aht, Ditidaht, and Pacheedaht Nations; the Broken Group Islands (BGI) to the Tseshaht and Hupacasah and Uchucklesaht First Nations; and the Long Beach Unit to The Toquat, Tla-o-qui-aht and Ucluelet First Nations (Canada, 2010).

Table 2. Nuu-cha-nulth First Nations geographic and organizational connections to the PRNPR (sources: Interviews, GeoBC Website and Parks Canada).

Park's Geo-Units	Nations	Traditional Territory	Treaty Process	Cooperative Management Status
WEST COAST TRAIL (WCT) - With reserves or Treaty Settlement Lands (TSLs) that are uninhabited-	Huu-ay-aht	Part of parklands surrounded by traditional territory. 3 TSLs surrounded by Park and 12 TSLs outside the park	Maa-nulth Treaty	Fully operating CMB in Place since 2008
	Ditidaht	Parklands surrounded by traditional territory, including 12 Indian reserves within parklands	Stage 4	Focus on one-off programs and economic partnerships
	Pacheedaht	Parklands surrounded by traditional territory	Stage 4	Focus on one-off programs and economic partnerships
BROKEN GROUP ISLANDS (BGI) -With uninhabited Indian reserves	Tseshaht	BGI Birthplace and traditional territory of the nation	Unknown	Final agreement to start CMB operations signed
	Uchucklesaht	Treaty rights within the park but no actual section of land. (harvesting, cultural practice rights)	Maa-nulth Treaty	Focus on one-off programs and economic partnerships
	Hupacasath	One Indian reserve within parklands	Not negotiating treaty	Focus on one-off programs and economic partnerships
LONG BEACH UNIT (LBU) - With one inhabited reserve and TSLs-	Toquaht	They have treaty rights within the park but no actual section of land. (harvesting rights)	Maa-nulth Treaty	Focus on one-off programs and economic partnerships
	Tla-o-qui-aht	Part of parklands surrounded by traditional territory. Only Nation with an inhabited Indian Reserve within parklands.	In advanced agreement In Principle	Economic partnerships and negotiating terms of reference
	Yuu-thlu-ilth-aht (Ucluelet)	Part of the parklands surrounded by traditional territory.	Maa-nulth Treaty	One-off programs and economic partnerships

2. Tanzanian Context

2.2 Tanzania's Institutional Framework & Environmental Conservation

The significance of conservation to Tanzania is clear considering both legislative and socio-economic realms, and that conservation has been pushed through state reforms to take advantage of the country's land tenure system. Tanzania has been recognized as a leading conservation-minded country, and has a long history in state-managed conservation. This history dates back to before independence in the 1950s, when the first national park, Serengeti, was established. In Tanzania, no less than 20% of the country's protected territory is under the national park category, which is the most restricted form of conservation where no human settlements are allowed. The majority of the country's PAs are managed or partially controlled by statutory agencies. Saadani National Park, established in 2005, is the newest national park, and is significant because of its ecological and socio-cultural features, and its unique location along the Indian Ocean. All of this becomes more significant when considering that the Tanzania's coastal territories are inhabited by no less than 8 million people, are host to 75% of the country's industrial developments (primarily carried out through port activity) and provide revenues amounting to one third of the national GDP (Tanzania Coastal Management, 2012).

Tanzania has a complex set of conceptual, policy and legislative frameworks for addressing conservation, often described as contradictory (Shivji, 2002). However, important analysis on the underlying features of the current national frameworks for wildlife management and conservation suggest that critical aspect of state ownership and control of land and resources, as well as power inequalities in decision-making between national and grassroots levels, are being perpetuated through recent and ongoing legal reforms (Mniwasa & Shauri, 2001). This section deals with some important components of the larger national framework to contextualize the country's organizational and institutional approaches to determining the fate of wildlife and communities, as well as of the country's lands and other resources. Moreover, it analyses, in detail, agency-level policies determining the nature and degree of engagement of communities in protected area governance and management.

2.2.1 The Environmental Management Act

In Tanzania, the national government has the constitutional right to enact laws and policies addressing development and conservation. However, there are also particular legislative frameworks which vest important decision-making powers at regional, district and grassroots (village) levels. These include the Environmental Management Act (EMA) (2004), which contains legal and institutional procedures to address land and resource use and management. The EMA describes the nature of public participation in protected area formation and provides a picture of the various roles to be played by agencies, among other prescriptions. The EMA highlights the role played by district level authorities in the provision of guidelines to protect lands around water bodies and other environmentally-sensitive areas, and in the development of environmental action plans. It directs the duty of the Environment Minister “to regard the interests of local communities” in areas proposed as protected areas (The United Republic of Tanzania, 2005, p. 146). The EMA also describes in detail the rights and powers vested in the minister in charge of the environment, who may “prescribe any other additional protection condition to be complied with by the grantees of customary rights of occupancy (villagers and their village lands)” (Tanzania, 2005, p. 149). This suggests the ability of national level authorities to override decision-making outcomes or direction set through grassroots governance processes.

2.2.2 The Local Government Act

The Local Government Act (1992) is also an important legislative framework in Tanzania. The Act addresses the transfer of decision-making power on land, resources and development from higher to lower level authorities, who are considered more easily held accountable for their actions and subject to removal if unable or negligent to fulfill their duties. Of particular interest in this Act is the degree of decision-making power held at district levels. District authorities hold final approval, and with this comes the binding nature of decisions to ward, division and village levels (Tanzania, 1982). The Act also highlights the legislative and decision-making powers vested in village level institutional bodies (Village Councils & Village Assembly) who are able to prescribe binding laws

addressing many community level concerns (Tanzania, 1982), but are still dependent on final approval by district level authorities to make decisions legally binding.

Table 3. Village's institutional structures and some of their critical decision-making and legislative functions.

Village Organs	Origin/Membership	Functions
Village Assembly (meets quarterly)	All members of village 18 or older	Supreme authority in policy-making, takes final decisions on fundamental socio-economic and environmental matters proposed by or agreed to by Village Council
Village Council (meets monthly)	Elected members of village (20-25 persons)	Executive Body with some legislative powers (proposing village by-laws), body addressing daily affairs at the village level, coordinating and organizing, General Assemblies and other processes for final decision by Assembly; appoints various committees to address social, environmental, development and other matters
Village Chairman	Village Chairman of elected party	Chair and coordinator of Assembly and Council meetings together with VEO
Village Chief Executive Officer (VEO)	District employ at the Village level	Liaison District-Village staff, works closely with Chairman and Council; carries out main administrative duties

Tanzania's local government legislative framework is considered quite unique among African states. This framework is directed to strengthen democratic rule and collective grassroots decision-making, which makes Tanzania an interesting case study for examining how traditional individual leadership has been replaced by democratically elected bodies, which require final approval by their electorate on all critical decisions and actions.

2.2.3 Village Lands Act

Another important legislative framework affected by state-managed conservation is the framework on land tenure. As enacted through the Village Lands Act (1999), land tenure remains controversial. The provisions contained in the Act are considered important, as it gives equal weight to customary tenure rights (for Indigenous peoples) and granted rights of occupancy (for immigrants), which lacked in previous frameworks. Yet the Act is also inadequate in terms of lacking fundamental solutions to underlying

problems of devolved tenure rights and responsibilities to communities (Shivji, 2002). Issues of devolved tenure rights are identified as central for addressing conflicts between communities and the state, and for producing discrepancies among community development goals and environmental needs (Alden-Wily, 2002). The Act explicitly states: "...to recognise that all land in Tanzania is public land vested in the President as trustee on behalf of all citizens" (Tanzania, 2001, p. 7). While for some scholars the Act maintains "ultimate ownership (radical title)" and therefore control in the state bureaucracy (Shivji, 2002, p. 59), for others "trusteeship" is different from ownership and therefore there are significant constraints to the powers of the executive (Dr. Liz Alden-Wily/Personal communication). The Act makes consultations with grassroots decision-making bodies legally binding whenever community interests are affected by specific land use designations, such as conservation, mining and large scale development projects. Yet because of the amount of control vested in national level actors or taken away from customary right holders, the Village Lands Act is considered to be inadequate to protect communities from land grabs, whether for development, conservation or for "public interests" (Shivji, 2002). A relevant criticism of the Act relates to its contradictory nature in relation to the Local Government Act. While the Local Government Act vests important legislative and decision-making powers at lower levels, the Village Lands Act withdraws powers from grassroots bodies, downgrading their tenure rights and custodianship responsibilities to a co-management kind of arrangement rather than shared ownership (Shivji, 2002).

2.2.4 Tanzania National Parks Act

In the particular case of national parks, relevant frameworks for this research include the TANAPA Act and TANAPA's community engagement policy. The former provides the entitlements and responsibilities of the national authority in the undertaking of state-based conservation, and the latter outlines the agency's policy and institutional frameworks for exercises such powers and responsibilities.

After its enactment through the Tanganyika National Parks Ordinance in 1959, Tanzanian National Parks Authority (TANAPA) became the country's central

environmental authority for managing national parks. TANAPA currently manages over 15 national parks, comprising an area of 46,348.9 km² (Tanzania National Parks, 2008). The now called Tanzania National Parks Act (Tanzania, 2003), has undergone various modification over time. The Act has significant provisions on the amount of power to be upheld by TANAPA in the control, management and maintenance of national parks. These powers include full control-ownership, meaning that once an area is proclaimed as a national park, customary tenure, cultural practice and traditional resource use rights become “for ever extinguished” (Tanzania, 2003, p. 4) and the area comes under the full control of TANAPA. The only exception is for mining rights, which are preserved in proclaimed areas. Equally important are other sections of the Act, which ensure TANAPA retains the full power to set any necessary organizational, financial, institutional and policing structures within and around park lands, in order to have full and autonomous presence and territorial control of areas under protection. Connected to these powers are TANAPA’s policing entitlements. These entitlements allow the authority to destroy all domestic animals entering park lands, and to seek legal punishment of up to a two year prison term for persons carrying or possessing weapons within park lands, irrespective of their engagement in illegal activity. Moreover, although the Act makes annual reporting to the minister in charge mandatory, it provides no other guidelines on accountability measures to ensure a proper and regular assessment of TANAPA’s nature of policing actions, rule-making and institutional engagement. Moreover, the Act completely omits a mandate for any sort of regular reporting to and institutional engagement with district and village level authorities, despite its heavy presence at the community level and its strong dependence on the outcomes of district and grassroots decision-making processes.

2.3 National Parks Governance & Management

2.3.1 TANAPA’s Policy on Collaborative Park Planning and Management

Mandated to preserve the country’s natural and cultural wealth, TANAPA’s role in conservation has evolved to acknowledge and address social needs within and around protected landscapes, despite the lack of a regulatory framework making institutional engagement mandatory. In this regard, accumulated research on the infringement of

human rights in conservation (Igoe, 2007; Nelson, Nshala, & Rodgers, 2007) suggest TANAPA's outreach policy direction may have emerged in response to ongoing crises in state-managed conservation. TANAPA's early experimental efforts in community outreach, date back to 1988, and have evolved to its national outreach policy and strategic action framework: Community Conservation Services (CCS) (Tanzania National Parks, 2005). CCS became an official organizational structure within TANAPA in 1992, and is currently a full-fledge department with permanent employees operating in every national park.

TANAPA's Community Conservation Services Strategic Action Plan: 2005-2015 aims to increase linkages and collaboration with communities and various other stakeholders, in order to address TANAPA's overarching interests and goals. However, the only reference to collaborative planning in the entire policy document is a mention of "core values". In addition, various so called "collaborative management activities" are meant to support land planning and sustainable development with fringe communities rather than within park lands. Overall, TANAPA's community outreach strategies do not include any actions suggesting any degree of multi-level engagement in park planning and management, despite its policy mandate to protect the country's natural and cultural heritage (Tanzania National Parks, 2005). CCS by no means undermines TANAPA's full territorial and governance control of lands comprising national parks. The full set of TANAPA's CCS strategies and strategy-specific goals are included in Appendix 3.

In sum, the salient goals of the plan include achieving between 50% and 80% engagement of communities adjacent to parks in mutually beneficial conservation and resource management activities, including having 25% of adjacent communities with functional land use plans (LUPs). In addition, the policy includes provisions to support community-based projects, train and build capacity of staff and community-based conservation organizations, promote local institutional development and interactions, and curb poaching and park-people conflicts. These policy provisions are intended to be connected to and supported by various other initiatives, including: training at multiple levels; harmonisation between park resource use and conservation laws and local and higher level legislative frameworks; research-based programming; and the promotion of

alternative sources of income and other important park-initiated processes (Tanzania National Parks, 2005).

TANAPA’s Community Conservation Services Strategic Action Plan 2005-2015 includes the following core principles to guide the actions of the Outreach Departments:

- The participation of communities for conservation success;
- Sharing of benefits and responsibilities with fringe communities;
- Dialogue fundamental to addressing issues of mutual concern;
- Creating conservation awareness and good relationship;
- Applying Indigenous knowledge to conservation; and
- Effective partnerships with local communities in planning and management of parks.

These principles are to be realized through the achievement of key results, which include:

- Capacity building of park staff and members of adjacent communities;
- Park-people relations improved: level of collaboration 50-80% improved; 25% villages around parks with functional LUPs; reduced human-wildlife conflicts, including poaching;
- Awareness raising: 80% villages aware and participating in conservation. And also management of NRs for mutual benefit; 80% communities understanding environmental issues;
- Community livelihoods improved: 50% of income generation and community initiated projects supported with help of other stakeholders; park-people conflicts reduced by 30% (at least 4 meetings annually to address conflicts, fringe NRs institutions strengthened).

National strategies and related goals by CCS are included in Table 4 below, where they have also been connected to SNP’s outreach goals.

Table 4. Summary of TANAPA’s Community Conservation Services Strategic Action Plan 2005-2015 (Central policy on community engagement in park planning and management).

Summary of TANAPA’s Community Conservation Services goals and strategies	
Results Areas	Strategic Objectives and Targets
Awareness raised	<ul style="list-style-type: none"> • 80% villages adjacent to NPs participate in mutually beneficial conservation and management of NRs; practice and implement environmentally friendly activities by 2015. • 80% CCS staff exposed to environmental campaigns
Park-people relations improved and	<ul style="list-style-type: none"> • Level of collaboration between parks and communities raised from 50% to 80% by 2015. Develop park-people solving mechanisms in 16 NPs by

Summary of TANAPA's Community Conservation Services goals and strategies	
Results Areas	Strategic Objectives and Targets
maintained	2015 <ul style="list-style-type: none"> • 25% of communities adjacent to parks with functional LUPs • 100% of resource protection officers trained on CCS by 2015 • Review of restricted policies and harmonisation of policy-legislation frameworks by 2015
Community livelihoods improved	<ul style="list-style-type: none"> • Wildlife conflicts reduced: damage by wildlife 20%; poaching 30%; wildlife disease incidence by 20% • 50% of community-based projects and income generating activities implemented in collaboration with others by 2010. At least 50% of budgeted are implemented annually • 30% park-people conflicts reduced by 2010. Training of all CCS staff on park-people conflicts; one community-based NR institution strengthened annually; conflict management meetings held at least quarterly
Capacity building	<ul style="list-style-type: none"> • 80-100% recruitment, training and deployment of CCS staff by 2010. • 3% capacity built on entrepreneurship, wildlife management and conservation of communities adjacent to parks
TANAPA's interests represented at all levels & Information availability	<ul style="list-style-type: none"> • Outreach to key stakeholders by 2007; local CBOs and NR committees supported annually; key stakeholders identified and meet at least annually • 50% outreach work to be based on research; at least 1 adjacent village with participatory NRM plan

2.3.2 SNP's Policy on Collaborative Park Planning and Management

There are four programs of action or strategies identified within Saadani's Park Management Plan: (1) the Ecosystem Management Program; (2) the Tourism Management Program; (3) the Community Outreach Program and (4) the Park Operations Program (Tanzania National Parks Authority, 2009). As described in the plan, the Community Outreach Program has been designed to bring about community "support and collaboration" to preserve the "integrity of SNP resource values" through increased conservation education and park-community communication and cooperation (Tanzania National Parks Authority, 2009, p. 5). In this regard, the program's objectives suggest SNP's nature of engagement with communities circles around conservation education and benefit sharing, rather than engagement in park planning and management. Chapters Five, Six and Seven present findings on the spatial and institutional dynamics taking place in the Saadani landscape. Appendix 3 lists SNP's set of targets and objectives for the community outreach program.

Table 5. SNP Park Management Plan Community Outreach Program.

SNP Park Management Plan Community Outreach Program		
Objectives	Specific Targets	Specific actions to reach PMP targets
Threats to SNP resource values reduced	NRs outside SNP sustainably managed	Facilitate proper management and protection of resources Support and participate in planning and management capacity building Provide adequate knowledge and skills on NRs conservation in villages adjacent to SNP Improve existing mechanisms for supporting land use planning in adjacent villages Ensure continuous natural flow of Wami river
	Conservation awareness in local communities adequately raised	Improve and maintain conservation and environmental education programs to local communities Discourage livestock grazing and grass cutting by local people Improve and maintain Community Outreach Program staff performance
Park-people relations improved and maintained	Communities access to park info and services improved	Disseminate information through forum, seminars, meetings and workshops with communities and stakeholders Organize park visits and study tours for communities and other stakeholders
	Park-people solving mechanisms developed	Develop community profiles Develop a mechanism to address park-people problems Train rangers on CCS/community involvement in conservation Incidences of human-wildlife conflicts reduced Improve & maintain human-wildlife conflicts management systems Enhance implementation of ecology/veterinary outreach activities in communities
Park-local community boundary issues resolved	Disputes on park boundaries resolved	Establish nature and scope of the dispute in collaboration with key stakeholders Resolve the dispute and demark the park boundary in collaboration with key stakeholders Restore good relations between the disputing parties
Local Communities livelihoods improved and maintained	Benefit sharing with local communities improved and maintained	Improve and maintain benefit sharing schemes Assisting communities in sustainable income generating programs
	HIV/AIDS awareness raised	Park management to collaborate others sector to fight HIV/AIDS pandemic

2.4 The Saadani Landscape and SNP

2.4.1 Saadani Landscape

The Saadani landscape described as unique for the diversity and composition of its flora and fauna, is embedded in interconnected mixtures of coastal grassy and forested savannahs, marine, riverine and wetland ecosystems. Saadani has long been considered of critical importance for conservation (R D Baldus, Roettcher, & Broska, 2001; Treydte, Edwards, & Suter, 2005). Saadani is also culturally diverse, with populations descending

from an heterogeneous mix of Waswahili, Wazigua and Wadoe tribal peoples who have intermarried with Indian and middle eastern traders moving along the Indian Ocean for the last 2000 years (Balduš et al., 2001). Saadani's villages, living portraits of African-Arabic cultural fusions, have diverse connections to the landscape and in particular to the park lands. These connections range from historic cultural practice and community settlements (sub-village settlements, traditional and cultural practice, sacred territories) to present-day socio-economic activities, including marine and terrestrial trade, pastoralism, fishing and other subsistence livelihoods.

2.4.2 Saadani National Park (SNP)

The process of creating SNP is said to have been initiated in the late 1990s. The full extent of the current SNP was officially gazetted in September 2005, making it the most recently established national park in Tanzania. The park is located within the Districts of Pangani and Handeni (Tanga) and Bagamoyo (Pwani) and surrounded by 17 villages, all of which have functioning governing structures.

Early landscape level wildlife management strategies in Saadani included the Saadani Game Reserve (200 km²), which was officially established in 1969 after extensive consultations with adjacent villages and produced the first Saadani management plan. The former Mkwaja Ranch is also a significant management area which comprised approximately the northern half portion of Saadani National Park. The ranch was a cattle raising business established in 1954 by the Swiss Company Amboni Ltd. (Treydte et al., 2005), which was considered an economic investment initiative, where villages in consultation with district and higher level authorities set aside land for economic development and labour opportunities. Interview data suggests that what is now known as "Mkwaja North", became part of Mkwaja Ranch due to the increasing number of cattle and was operated until 2000. Mkwaja South was formally closed in the late 1980s. Mkwaja South, Mkwaja North SGR were approved as part of Saadani National Park in 2001 (Bagamoyo District, 2001). Park establishment documents and Saadani's first management plan suggests that Mkwaja South was bought by the Wildlife Division in 1996 with support from international organizations. Together with other lands

later added, it would become part of SNP (Bagamoyo District, 2001, 2002). Map 6 describes the park areas in relation to former landscape level planning and resource use interventions.

Table 6. Institutional, social and economic characteristics of the villages involved in the research (Sources: interviews, village documents and district profiles).

Village-District	Social, Institutional & Economic Characteristics
Saadani-Bagamoyo.	<ul style="list-style-type: none"> - Total population: 1832. - No LUP in place and no knowledge of total extent of village land. - High unemployment. Main economic activity salt-mining, fishing and occasional/part time employment in lodging/tourism. - Home to park quarters and to some investors. - Coastal erosion, decline in fisheries and environmental pollution constantly within and around Saadani village.
Matipwili-Bagamoyo.	<ul style="list-style-type: none"> - Total village area: 248km² (including the total extent of the now independent Gongo Village). - Village by-laws, management plan in place. Clear and active village leadership and institutional activity. - Population: 4000. Main economic activity is agriculture. - Facing unemployment and other development issues. - River bank erosion a threat to the village.
Gongo-Bagamoyo.	<ul style="list-style-type: none"> - Part of Matipwili until 2009. Village land still to be surveyed. - Village by-laws and park management plan in place. - Total population: 1700. Main activity: agriculture. - Active governing bodies and fast pace of development since 2009.
Mkange-Bagamoyo.	<ul style="list-style-type: none"> - In-land village with a total area of 119km². - Village LUP by-laws and management plan in place. - Total population: 4478. Economic activity: 86% agriculture and 14% business & public workers. Facing youth unemployment and other development issues. - Improved housing, education, water and other facilities present in the village center. Active governing bodies.
Buyuni-Pangani.	<ul style="list-style-type: none"> - Coastal village with a total area of 30km². - Total Population: 200. Economic activity: fishing. - Active governing bodies. Village partially funding dev. facilities and teacher's salary - Coastal community facing coastal erosion problems.
Mkwaja-Pangani.	<ul style="list-style-type: none"> - Coastal village located North of the Madete area of the park. - Total area: 52.6 km². - SNP headquarters is located adjacent to Mkwaja. - Economic activity: 90% fishermen. - Village LUP, LUM, by-laws and management plan in place. - Dispensary, education and other basic facilities in place. - Active institutional processes and various committees. - Investors present in the village.

Mikocheni Pangani.	<ul style="list-style-type: none"> - Coastal village located north of Mkwaja. Bordering with Sange to the North. - Population of 1055. High unemployment. - Economic activity: 35% fishermen; 85% agriculture. - Village management plan and by-laws in place. - Development challenges include limited access to freshwater, crop damages and poor crop yields.
Sange- Pangani.	<ul style="list-style-type: none"> - Coastal village located north of Mikocheni. Total population: 2000. Economic activity: fisheries (60%) and farming. - Village management plan, by-laws, LUP in place. - Facing environmentally relevant economic and resource management issues.
Kwakibuyu-Pangani. 3 Sub-Villages: Sakura, Mkoko, Kwakibuyu.	<ul style="list-style-type: none"> - Kwakibuyu shares the largest border with the park to the north. - Total village area: 124 km² with about a quarter of the territory under community-based conservation. - Total population: 6667. Economic activity: 35% workforce at Amboni Plantations, 75% agriculture, 5% fishermen. - Village Map, by-laws, village man. Plan in place. - Active institutional bodies.
Gendagenda-Handeni 10 Sub-villages	<ul style="list-style-type: none"> - Villager located on the north-west corner of the park. - Total village area: 220km², with large area for community-based conservation. - Total population: 879. Workforce: 230. Main economic activity: agriculture. - Village management plan, by-laws, and LUP in place. - Village institutionally active, self-financing percentage of community processes/facilities.
Mbulizaga-Pangani.	<ul style="list-style-type: none"> - Mbulizaga is located between Mkalamo and Gendagenda on the north-west side of the park. - Village area: 75.6 km². Total population: 879. Economic activity: agriculture 100%. - Community-based forest reserve in place. - Active decision-making bodies. Village management plan, by-laws and land use planning in development.
Mkalamo-Pangani.	<ul style="list-style-type: none"> - Mkalamo former village lands include portions of Mkwaja North and South. Extent of village territory being disputed with agencies at various levels. - Total population 4,181. Workforce: 1980. Activity: 100% agriculture. - Active government with public finances. Village by-laws, management plan and general village map in place, but no land use map.
Kwamsisi-Handeni.	<ul style="list-style-type: none"> - In Handeni District, bordering Mkalamo to the north-east and the park to the south-east. - Total population: 5964. Economic activity: agriculture. - community-managed forest reserves in place. - Total village area under assessment. - Village management plan, by-laws and land use planning under development. Village fairly large and developed.

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Appendix 2: Research Guides and Analytical Framework

Research: Institutions for Environmental Governance and Adaptive Capacity

Interview Guide for use with members of First Nations involved in decision-making and PRNPR staff

[Note: This research is a sub-project of a larger ICURA-funded project being led by the Institute for Coastal Research: Protected Areas and Poverty Reduction: A Canada-Africa Research and Learning Alliance (PAPR). The primary method for this research will be semi-structured interviews. Therefore, the questions below are guidelines only. Other questions may be asked as each particular interview unfolds, and not all questions listed below will be asked of every respondent.]

I am Alejandra Orozco and the project I'm working on together with colleagues from Vancouver Island University, the University of Victoria, as well as other partners including communities, aims to understand the ways in which parks and other kinds of protected areas (PAs) are run and how they affect local people and communities who live near or within the PAs. My particular research within this project focuses on understanding the nature and role of decision-making structures and processes and knowledge (of various kinds) in fostering adaptive capacity and sustainability at various levels.

The research questions presented below aim:

- 1. To describe the processes First Nations have been a part of in terms of cooperative planning and management of the Pacific Rim lands that lie within traditional territories.*
- 2. Elaborate on the reasons for engagement or lack thereof in cooperative management of Park lands. To comprehend the nature and role of processes for decision-making and knowledge sharing between Parks Canada and both treaty and non-treaty nations.*
 - a. Identifying trade-offs that may have been made by those First Nations that have signed treaties, in terms of their ability to influence conservation and development strategies and outcomes.*
 - b. To describe decision-making processes in relation to the mobilization and integration of different types of knowledge in environmental governance*
- 3. To analyze how current decision-making/collaborative management frameworks address the issues of building capacity to be engaged in critical decision-making for environmental governance.*
- 4. To describe the ecological, social and economic advantages and disadvantages of having protected areas within traditional territories and their connections or lack thereof with current livelihood and environmental challenges being faced by First Nations.*
- 5. To analyze how existing conservation strategies contribute to the adaptive capacity/sustainability of concerned nations and what are the alternatives to current approaches both in terms of collective engagement and integrating of diverse views, values and knowledge and in better addressing pressing First Nations adaptive capacity needs*

Questions

1. Could you describe the activities you are a part of as a member of your community/as a representative of your nation before park agencies?
 - a. Role within and as representative of the nation
2. Could you elaborate on your role in the cooperative management boards/And share your community or collective approach to ensuring cultural and ecological integrity of traditional territories and the park areas?
 - a. In terms of equitable participation and collaboration in managing the park, could you share your understanding on how has your nation been involved in Park management plans? How do you address the issues of building capacity to be engaged in critical decision-making? Is the PRNPR in any sort of training and capacity development process with your nation?
 - b. Could you share your knowledge on how/if your nation interacts with DFO on marine resource harvesting, marine zone management? What other organizations do you interact with?
3. What are the differences, in your view, between the engagement and collaboration of park agencies with treaty nations and other nations that have not signed a treaty?
4. What have you identified as the main constraints to signing a treaty? and/or the main trade-off in the conditions of treaty nations?
5. Do you have a Land Use Management Plan in place or on the workings? Could you share a copy of it? What are the main features in terms of conservation and sustainable development of resources within the Plan and how are they connected to the PRNPR?
6. Could you elaborate on the cultural, ecological, spiritual or any other importance of the park lands located within the traditional territory?
7. In terms of timber and other resources located within the traditional territory, but outside the treaty settlement lands, what are the economic revenues and other benefits derived from timber forest licenses, aquaculture, hunting licenses, etc., that the federal and provincial governments have agreed upon with your nation?
8. Could you elaborate how have your nation being engaged in “Strategic Land and Resource Plans”, which aim at “Strategic land and resource plans (SLRPs) provide direction for Crown land use through the establishment of broad land use goals, planning zone designations, objectives and strategies. This layer represents an integrated regional consensus-based process, which requires public and First Nations participation to produce a SLRP for review and approval by government”?

Environmental/Livelihood Challenges

9. Could you mention the specific most relevant environmental/livelihood challenges your nation faces? And what strategies do you have in place to address these challenges?

Connecting these challenges to the Conservation approaches, could you elaborate on:

	Challenges?	Advantages of having a NP within traditional territory?	Disadvantages of having a NP within traditional territory?	Approaches to decision-making for environmental governance to address these challenges?
Ecological				
Social				
Economic				

10. Adapting to environmental and livelihood change is critical for the survival both of the park and the communities around the park. How do you see existing strategies within the Parks contributing to the adaptive capacity of your nation? In which ways? and to long term social, ecological and economic sustainability?

Knowledge in Communal and Park Governance

11. How does your community's traditional knowledge contribute to the management of the Pacific Rim Park areas and of your traditional territory?
12. What kinds of monitoring, restoration, and stewardship activities does the nation have in place to care for their asserted territory? Do you use scientific data in your community-based management strategies? What kind of traditional ecological data do you regularly gather? Could you give specific examples and expand on their integration in your land use and management plans?
13. Could you describe the decision-making bodies/processes within your nation that directly address the development of strategies to adapt to environmental and/or livelihood change? Or could you describe if you have any conservation/development strategies that address environmental degradation and/or the livelihood needs of your community? How are these strategies connected to traditional decision-making/governance structures? And to the PRNPR?
14. How do these strategies support/contribute to the communities/FNs capacity to cope with social and ecological change?
15. Could you share your thoughts on what is missing, within current regulatory frameworks on conservation and the PRNPR, or influencing that fringe communities gain what they require to adapt to the environmental/livelihood challenges they face?
16. What questions/issues related to park-communities relations and collaboration are being missed in our conversation - that you would like to highlight.

Research: Institutions for Environmental Governance and Adaptive Capacity

Standard Interview Guide for use with various participants in Saadani NP Case Study and other related cases along the Tanzanian coast

[Note: This research is primarily funded by the International Development Research Center (IDRC) and is a sub-project of a larger ICURA-funded project being led by the Institute for Coastal Research, Vancouver Island University (Canada): Protected Areas and Poverty Reduction: A Canada-Africa Research and Learning Alliance (PAPR).

The primary method for this research will be semi-structured interviews. Therefore, the questions below are guidelines only. Other questions may be asked as each particular interview unfolds, and not all questions listed below will be asked of every respondent.

I am Alejandra Orozco and the project I'm working on together with colleagues from Vancouver Island University, the University of Victoria, as well as other partners including communities, aims to understand the ways in which parks and other kinds of protected areas (PAs) are run and how they affect local people and communities who live near the PAs. My particular research within this project focuses on understanding the nature and role of decision-making structures and processes (of various kinds) in fostering adaptive capacity and sustainability at various levels.

The research questions presented below aim:

- 6. To describe the consultation processes district/community institutional structures go through when engaged in protected area planning and management.*
- 7. To elaborate on the reasons for engagement or lack thereof in cooperative management of Park lands and resources. This involves trying to comprehend the nature and role of processes for decision-making and knowledge sharing between TANAPA's sub-agencies, District and community level institutions*
 - a. Identifying trade-offs made by communities connected to parks, in terms of their ability to influence conservation and development strategies and adapt to existent livelihood challenges.*
 - b. To describe current governance processes in relation to the integration of different types of environmental knowledge*
- 8. To analyze how current decision-making/collaborative management frameworks address the issues of building capacity to be engaged in critical decision-making for environmental governance.*
- 9. To elaborate on the social and ecological advantages and disadvantages-for communities- of being connected to or surrounded by protected areas (PAs), and the PAs' connections or lack thereof with current livelihood challenges being faced by the communities.*
- 10. To analyze how existing conservation strategies contribute to the adaptive capacity/sustainability of concerned communities and what are the alternatives to current approaches both in terms of collective engagement and integrating of diverse views, values and knowledge and in better addressing pressing community livelihood needs*

Questions

17. Could you describe the institutional structures/agency you are a part of as a member of the _____ community.

- a. Roles at the local and district levels
18. Are you engaged in direct consultation regarding management of park areas/marine reserves? Could you elaborate on your role in decision-making around parks/reserves and share your community or collective approach to ensuring social and ecological integrity?
 - a. In terms of equitable participation and collaboration in managing parks/reserves, could you share your understanding on how has your community/agency/yourself been involved in park/reserve management plans? Are you/communities involved in reviewing/assessing or in creating these plans? How do you address the issues of building capacity to be engaged in critical decision-making? Is TANAPA/other in any sort of training and capacity development process with your community?
 - b. Could you share your knowledge on how/if your agency/community interacts with other environmental agencies to address coastal/marine resource harvesting or management?
 19. What are the characteristics, in your view, of the engagement and collaboration of park agencies with village level and district level authorities?
 20. Does your institution or any other agency have a Land Use Management Plan in place or on the workings? Could you share a copy of it? What are the main features in terms of conservation and sustainable development of resources within the Plan and how are they connected to the park or reserve?
 21. How does your community's institutional and/or organizational structures contribute to the management of the park/reserve?
 - 22.
-

Environmental/Livelihood Challenges

23. Could you mention the specific most relevant environmental challenges your community/district faces? How is it affecting local livelihoods? and what institutional strategies and partnerships do you have in place to address these challenges?

Connecting these challenges to the Conservation approaches, could you elaborate on:

	Challenges?	Advantages of having a park/reserve within traditional territory?	Disadvantages of having a NP within traditional territory?	Approaches to decision-making for environmental governance to address these challenges?
Ecological				
Social				
Economic				

24. Adapting to environmental and livelihood change is critical to the survival both of the park and the communities around the park. How do you see existing strategies within the Parks contributing to the adaptive capacity of your community? In which ways? and to long term social, ecological and economic sustainability?

Knowledge in Communal and Park Governance

25. What kinds of monitoring, restoration, and stewardship activities that are connected to the park are you or your org/inst involved in? what kinds of data do you use/collect? Could you give specific examples on possible activities/venues/processes for information/knowledge sharing between park agencies and the communities?
26. Could you describe the decision-making bodies/processes within your community/institution that directly address the development of strategies to adapt to environmental and/or livelihood change? Or could you describe if you have any conservation/development strategies that address environmental degradation and/or the livelihood needs of your community? How are these strategies connected to traditional decision-making/governance structures? And to Sadani/marine reserves?
27. How do these strategies support/contribute to the communities capacity to cope with social and ecological change?
28. Could you share your thoughts on what is missing, within current regulatory frameworks on conservation and the National Parks/Marine reserves, or influencing that fringe communities gain what they require to adapt to the environmental/livelihood challenges they face?
29. What questions/issues related to Park-communities relations and collaboration are being missed in our conversation - that you would like to highlight.

Potential Data Collection Methods and Generic Questions

To be applied to all groups of participants

A. Individual Interviews

Open ended questions will be formulated for individual participants. and they will be asked to elaborate on various aspects of institutional strategies to deal with environmental change, depending on the roles they play within institutions and/or organizations in charge of environmental management. The areas of enquiry deal with: the kinds of institutions that are in place, institutional/organizational approaches to environmental management, and sources/types of knowledge applied/informing institutional strategies. Question themes include:

- 1. Contextualize the kind of protected area system in place, in relation to the legal framework, other levels of government, the ecological environment and the social environment it needs to operate within?**
 - Could you describe the activities you are a part of within the organization/agency?
 - What are the legislative structures that regulate your program(s) and/or approach(es) to address environmental change?
 - What traditional/local bodies are in charge of dealing with environmental challenges?
 - Could you describe the social environment you operate within, such as how many communities are connected to your organization/institutions? How often do you interact with these communities and how engaged are they in your management strategies?
 - What are your interactions with government agencies and how do they facilitate/constrain the nature and degree of your actions to deal with environmental challenges?

- 2. To analyze a prevalent environmental/livelihood challenge and the prescriptions of traditional bodies/agencies/structures in trying to address it**
 - How does decision-making to address environmental challenges take place? how do you carry out multi-stakeholder consultations and decide on relevant matters of common interest?
 - What programs are your organization/agency implementing? What areas of environmental change/conservation are these strategies trying to address?
 - What are the specific/most relevant environmental challenges your institution/organization/agency is trying to address?

- 3. To understand how these decision-making processes and the adopted approaches are based on one or more kinds of knowledge and to assess how such approaches contribute to adaptive capacity and sustainability**
 - What kinds of knowledge inform the strategies you/your organization is putting in place? Have you identified other potential sources of information and knowledge of importance to improve your management strategies?
 - How has institutional collaboration impacted/influenced coping strategies?

- How do you define adaptive capacity? do your programs directly address the needs of social and ecological communities to adapt to constant change? what does adaptive capacity look like within the organizational/institutional structures you are a part of?
- 4. What spatial/other tools can facilitate knowledge mobilization for environmental governance? What tools can enhance stakeholders' abilities to measure institutional performance in relation to adaptive capacity and to improve the communities' abilities to be engaged in governance and policy development for PAs?**
- What tools can enhance stakeholders' abilities to measure institutional performance in relation to adaptive capacity? What tools facilitate interactions among various levels of social organizations? Are spatial analysis tools useful to improve the community(ies)' ability to be engaged in governance and policy development for PAs.

Individual interviews will be recorded using audio or written notes. These notes will be shared with the respective participants for further comments or clarifications.

B. Group Interviews/Discussions

In addition to carrying out individual interviews, the researcher will seek to carry out semi-structured group interviews/discussions, where various members of organizational/institutional structures or multi-stakeholder bodies can share or provide their common understanding on some or all of the questions/themes mentioned above, with a particular focus on:

- The strengths and weaknesses of institutional/organizational collaboration
- Conceptions of adaptive capacity as it relates to the organizations/institutions they are a part of

These group interviews will be recorded using audio or written notes depending on the preference of participants.

C. Observing Institutional Processes and Fieldwork activities

The researcher will also seek to observe participants while they carry out collaborative consultation/organizational activities and fieldwork.

In **institutional meetings** or multi-stakeholder consultations, the researcher will observe how knowledge is shared and the terms of interaction among/within various institutions/organizations. These observations of institutional processes will be recorded using only written notes.

During **fieldwork visits**, the researcher will observe and generate GPS points and pictures/videos on specific ecological challenges, locations of communities, images of livelihood activities, ecological wealth, and gather communities/agencies' coping strategies and threats to communal livelihoods using audio recording or written notes. Topics to observe or to inquiry about include:

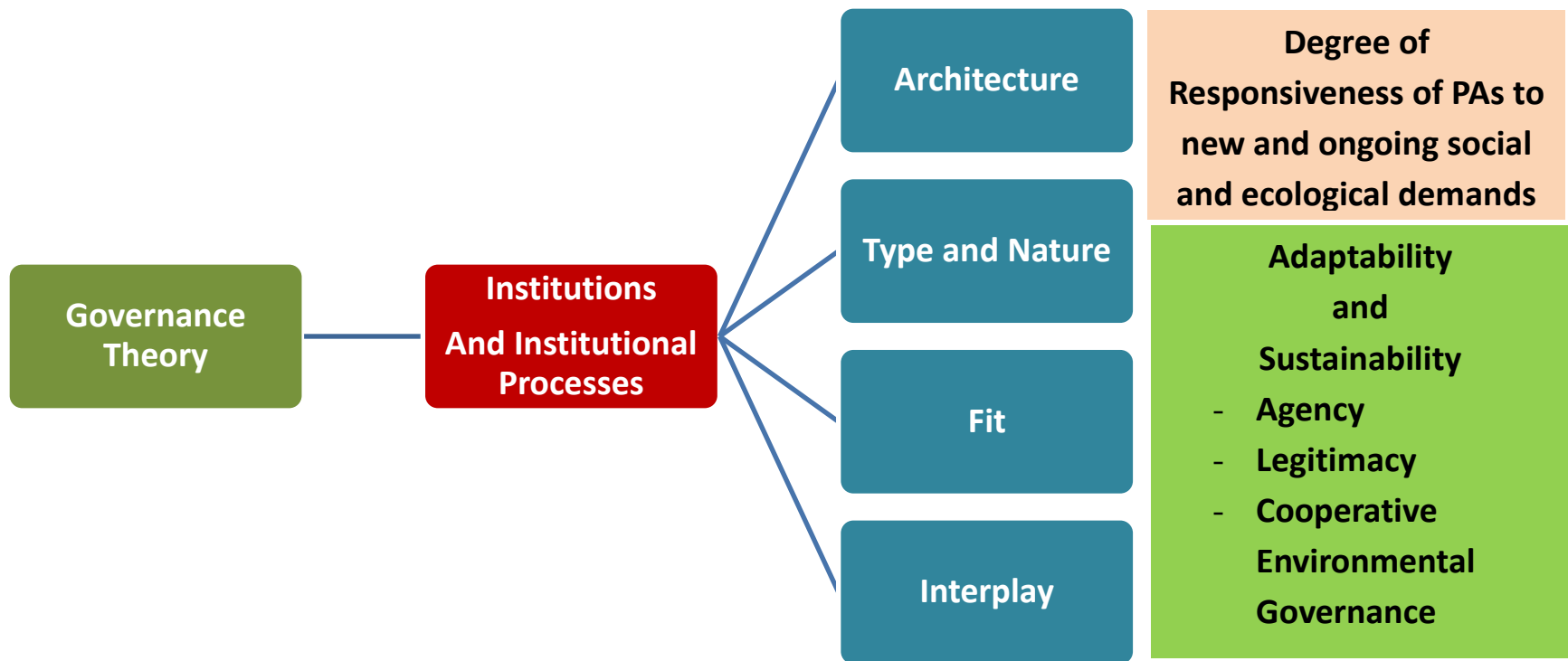
Describing the general nature of ecological and livelihood challenges.

- a. How are they related to environmental change?
- b. Visible effects of adaptive responses?
- c. How has institutional collaboration impacted/influenced coping strategies?
- d. Other observations of ecological restoration, environmental degradation, livelihood activities, etc.

Institutions for Environmental Governance and Adaptive Capacity: Governing Change and Adaptation at Pacific Rim National Park Reserve and Saadani National Park

Goal, Analytical Framework and Methods

To investigate critical processes and dimensions of environmental governance enabling or constraining adaptive capacity and sustainability of protected area systems



**Comparative Case Study Research/Qualitative, Spatial and Document Research
ArcGIS (spatial analysis) and NVivo and Excel (qualitative data)**

Appendix 3: Important research outputs, archival data and letters developed by international organizations to address land tenure rights in Saadani, Tanzania.



**Case Study Report:
Uvinje Village & the Saadani National Park
Tanzania**

Alejandra Orozco-Quintero

May, 2014.

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DISCLAIMER

The views expressed in this publication do not necessarily reflect the views of the Protected Areas and Poverty Reduction Research Project (PAPR) and the International Development Research Center (IDRC).



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Introduction

The Protected Areas and Poverty Reduction Canada-Africa Research and Learning Alliance (PAPR) is a 5 years project seeking to address the challenges of reducing rural poverty and ensuring environmental sustainability through a focus on protected areas (PAs) and adjacent communities in Canada, Tanzania and Ghana. The project supports research and learning in four main areas: costs and benefits of protected areas (PAs), managing human-wildlife interactions, PA governance, and knowledge mobilization among researchers, communities, agencies and practitioners.

This document is a summary of research conducted by Alejandra Orozco, a researcher from the Coastal and Ocean Resource Analysis Laboratory, Geography Department, University of Victoria. This research snapshot is a component of the PAPR sub-project: Environmental Change in Coastal Protected Areas: The Role of Knowledge, Institutions and Multi-level Governance in Adaptive Capacity¹.

Case Study and Research Background

Uvinje is a small coastal sub-village adjacent to the Saadani National Park located approximately 8 km from Saadani Village. Officially gazetted in 2005, the Saadani National Park (SNP) is comprised of about 1100 km² of biologically diverse grassy and forested savannahs, marine, riverine and wetland ecosystems; SNP is also connected to similarly socially diverse surroundings comprised of 17 villages and numerous sub-villages with long-standing connections to the terrestrial and marine environments.

Research data were collected during a 12 month period between 2012 and 2013 in 13 villages adjacent to the Saadani National Park. SNP's 17 adjacent villages are officially recognized and with functioning governing structures, including Saadani, Buyuni, Mkwaja, Mikocheni, Mkange, Kwakibuyu, Gendagenda, Mbulizaga, Mkalamo, Kwansisi, Mkange, Gongo and Matipwili, where the research took place. This research brief documents the various developments in the promotion and support to conservation in the Saadani landscape and the importance of governance and institutional interplay in the conservation of lands and resources. Conservation interventions in the Saadani landscape have taken place since the mid-1960s, but it is only recently that state-managed conservation has become a growing concern among the villages adjacent to the park. At present, at least four of the park's adjacent villages are engaged in advocacy to demand from park and higher level authorities that the park boundaries be reassessed. Of all the 17 villages, however, it is Saadani village itself—the village after which the park was named—where the stakes are perhaps highest: two of its coastal sub-villages' lands have been gazetted as park lands. Saadani villagers' eviction from the gazetted coastal lands has not come to fruition, despite the decade long establishment of the park. This summary elaborates on Saadani village's role in conservation and the particular land dispossession status of Uvinje, one of its coastal sub-villages. The present data analysis suggests such evictions have not taken place in part because of the sub-villages' strong leadership and collective assertions and in part because, there seem to be considerable problems with the arguments put forward to have had these sub-village lands gazetted as part of the national park.

The primary data, collected from Saadani and 12 other villages adjacent to SNP, comes from group and key informant interviews with village and sub-village level decision-making bodies, and former and current leaders; community elders; Park authorities; and

environmental agencies at the district and regional levels. The data also includes primary and secondary spatial data analysed using ArcGIS, and analysis of documents.

1. Grassroots Environmental Stewardship and the Saadani Game Reserve (SGR)

1.1 Establishing the SGR

Data from interviews and historical village documents illustrate the nature of involvement of Saadani village and sub-villages (among which Uvinje is one) in the establishment of the first conservation venture in the Saadani landscape. In early 1965, while Saadani villagers were involved in collective decision-making and other institutional activities at the village centre, they received the unexpected visit of the then Director of Wildlife, Mr. H.S. Mahinda, who was passing by on his way to Tanga. After learning who he was, Saadani villages leaders approached him to request support to protect the wildlife that was being indiscriminately killed by outsiders. The leaders' bold step led to the establishment of the first conservation venture in Saadani, the Saadani Game Reserve². As such, the proposed Saadani Game Reserve (SGR) became operational before the 1970s and was officially gazetted in 1974³. Managed by the Wildlife Division Department (WDD) over the next three decades, the reserve became of interests to the Tanzania National Park Conservation Agency (TANAPA) as a unique prospective place for a coastal national park in the 1990s, which led to TANAPA intervening in the drawing of a SGR map, and to the subsequent establishment of the Saadani National Park (which included the reserve) in 2004. While being managed by the WDD, the SGR enabled the establishment and strengthening of multi-level institutional interactions between conservation agencies (in particular the WDD) and conservation-minded village organs, and facilitated the launching of mutually beneficial conservation and resource management activities between Saadani village and the WDD, as numerous documents of the time attest to⁴.

1.2 Spatial Features of the SGR

The total extent of SGR is said to have been approximately 209km²⁵, however, the online version of the SGR official gazette document states that it was comprised of approximately 300km²⁶, while some of TANAPA's official documents indicate it was 260km²⁷. Spatial analysis conducted as part of the present research suggest that the total game reserve area was of about 200Km² (see maps below for an illustration of the game reserve maps and spatial analysis conducted). Unfortunately the official SGR gazette does not include a map, and describes the reserve boundaries using only some prominent land features and some vague descriptions of the location of the reserve boundary beacons⁸.

Figure 1 below shows the various maps made of the reserve, including the one produced during the present research using the description provided in the official game reserve gazette document. In this map are also included the location of two remaining SGR beacons (See Figure 4), whose position was recorded using GPS and whose location coincides with elders' accounts of the original location of the game reserve boundary. These various maps of the SGR, including the one done through research commissioned by the Ministry of environment, directly indicate that Uvinje sub-village coastal lands have never been part of the SGR. This data, however, contradict the map developed by TANAPA, also shown in Figure

1, a piece of evidence which the agency has used⁹ to argue that the sub-village coastal land was part of the reserve and that as such it has been included as part of the National Park.

The vagueness of the language used in the reserve's official gazette, but also TANAPA's early interventions to develop its own map of the reserve, and its interests in Saadani's sub-villages' prime coastal lands have come to challenge Saadani's coastal sub-villages' rights to lawfully inhabit their traditional territories, and have led to chronic political and other battles to demand presently gazetted park lands rescinded, the reestablishment of land rights to traditional inhabitants, and to try to force TANAPA to honour commitments made earlier by WDD.

1.3 The wildlife Division's Overall Approach to Conservation

What emerges from the analysis of SGR historical reports, from independent research data on the game reserve (published in 1996)¹⁰, from the historical village documents, and from interviews with elders' conducted for this research is that the reserve only included a small strip of beach land of 2.5 km in length, which was located north of Saadani village, from Mvave river up to Kijitokombe river (Kijitokombe river also demarcates the south boundary of Uvinje sub-village lands). Moreover, the data describes the Wildlife Division's efforts to give equal priority to community needs as it did to the conservation of wildlife populations, its focus on enabling coastal villages to build capacity to address the potential in tourism, and to honour villagers' rights to territories for habitation and to benefits from conservation.

With the exception of a couple of in-land sub-villages whose location was right at the heart of the proposed game reserve area (Tengwe being one of the sub-villages), the SGR managers made no requests to have coastal villages' settlements disoccupied or relocated, for the purposes of using beach lands. In fact, in a 1970 annual SGR report, signed by H.S. Mahinda, the game reserve efforts in addressing community capacity development and in supporting villages' developments for engagement in tourism management are stressed¹¹. The Wildlife Division, and particularly Mahinda's approach to respecting village lands rights and to asserting tourism through community development is further corroborated by interviews data with villages' elders, who repeatedly coincide in affirming that tourism and other development was to be aligned with the wishes of the village leadership and to be sensitive to villages' socio-economic needs. Eventually, achievements in institutional interactions among the SGR authorities and village leaders, the building of trust through regular consultations and collective wildlife management endeavours, and progress in ecological conservation together led to an increasing interest in the further expansion of the 200 km² of reserve land to include Mkwaja South area (94.05 Km²) then owned by Amboni Plantations, a former cattle ranch which had been set aside as a potential wildlife-rich forest reserve¹².

2 The establishment of the Saadani National Park

Analysis of official documents and qualitative data both suggest that the level of awareness of environmental conservation in the villages around SNP led to the establishment of Saadani Game Reserve and then continued to bolster it. In the late 1990s, the unique natural and geographic features of the Saadani landscape motivated TANAPA to engage in cross level interactions with various agencies and organizations¹³ to establish the Saadani National Park. It was not only the successes in early interactions between villages and the WDD but also the many promises by TANAPA of conservation benefits and of collaborative planning and management which eventually influenced the ceding of other village lands by

Matipwili, Saadani, Buyuni, Mkwaja, Mkange and Kwamsisi. These areas, together with the SGR, Mkwaja Ranch (North and South), Zaraninge forest reserve, the Rezaba coastal area, the West of the railway Saadani-Mkange area, and the Wami river area were gazetted in 2004 as part of the SNP. See Figure 2 for TANAPA's versions of the SNP maps, as the official park gazette document does not include the total park area and is bereft of an official map, including only a number of geographic coordinate points to describe the extent and limits of the park.

Although, by law, setting aside areas for conservation has to be consulted on, at least to some extent, with affected villages, it was not until late in 2005 that the village of Saadani and leaders of its Uvinje sub-village realized that the full extent of Uvinje's lands were gazetted as part of the park. This despite numerous communications taking place since the early 2000s where village leaders continuously reiterate that Uvinje lands have never been a part of the reserve and that they will not vacate their lands¹⁴. Important park establishment documents illustrate that TANAPA's argument for gazetting lands from two Saadani coastal sub-villages is that they have always been part of the former game reserve¹⁵, an argument that seem to have allowed them to move forward gazetting the coastal lands without coming to an agreement with the leaders at that time, who have reiterated that they did not agree to giving coastal lands to TANAPA. A quick assessment of TANAPA's main argument that such coastal sub-villages lands were part of the former reserve and its action to gazette the lands without consultation, however, do not hold up for two primary reasons. The first is that despite the vague language used in the reserve's official gazette, it is clear enough in the gazette that the reserve borders didn't extend all the way to the beach¹⁶ (see SGR Gazette document attached). In addition, there were multiple statements and communications from Saadani leaders clearly expressing their refusal to have Uvinje's coastal lands included as part of the park. Second, because of the numerous legislative changes that initially allowed village populations to remain within reserves and that later prescribed that villages were to be located outside reserves boundaries, demanded that TANAPA go through meaningful engagement with these sub-villages and the Saadani Village authorities to have their land included as part of the park. However, of all the park establishment documents so far accessed, none includes any type of consultation to get Saadani's approval to have coastal lands included as part of the park; they just convey that villagers have been made aware of the need to be relocated.

2.1 Public Participation and Saadani Park Lands

Throughout TANAPA reports, public participation is said to have been an essential component in the establishment of the park¹⁷. Minutes from the District Board at the Ward and District levels provide descriptions on TANAPA's arguments on the nature and importance of the park and share details of inputs from village, division, ward, district and regional authorities on the importance of proper compensation, shared benefits, clearly defined and collectively agreed upon boundaries and on the attention to community needs as well as those of wildlife¹⁸. Although the official park establishment reports include various details on park-villages interactions, none of them is specific in terms of proposed geographic coordinates or descriptions of park lands to border communities. In this regard, and despite TANAPA's numerous assertions on multi-level engagement with various stakeholders, both village and district level communications and TANAPA's park establishment records, document recurring issues with: placement of park boundary beacons within village territories¹⁹, disregard of regional authorities' direction on boundary limit to the south side of the park (Wami River), non-transparent compensation and unilateral decision-making on location and extent of park lands²⁰.

2.2 In the Name of Conservation or for the Sake of Having Prime Coastal Lands

TANAPA's fixation with Saadani's prime coastal areas and particularly with Uvinje's territory is evidenced through the village's numerous communications to district and national level authorities, and the media. These written manuscripts, including media releases, detail:

- the persistence of TANAPA authorities that Uvinje's lands have always been part of Saadani Game Reserve, which to village elders dishonoured previous agreements with the WDD that respected the sub-village's land rights²¹;
- the violations of Uvinje villagers' basic rights, perpetrated in two different occasions during 2002 where a contingent of game wardens and later of the police force invaded Uvinje's territory and houses, without warrants, under allegations of criminal activity but found nothing to support/make formal accusations²²;
- Uvinje's resistance to intimidation and to a District commissioner's threats of forceful eviction, because of their regard towards collective welfare, their historic territorial connections, and role in enabling conservation²³;
- the reiterated arguments from Uvinje villagers that they have no problems with the park²⁴, that they have never being part of SGR, nor that they will come to agree to abandon their traditional territory to give way to TANAPA giving away their land to investors, despite various intimidation tactics by TANAPA²⁵.

Persistent efforts from leaders at the village and sub-village levels eventually led to intervention from district level authorities and the then member of Parliament Mr. Jakaya Mrisho Kikwete (at present Tanzania's president), who committed to protect Uvinje's land rights²⁶. In spite of Mr. Kikwete's declaration, and the support, at different periods in time, from District and Regional level authorities²⁷, TANAPA has taken no action to reassess the gazetted park lands, but to the contrary has persisted in its efforts to evict villagers from Uvinje's now gazetted prime coastal land. These efforts have included making announcements on the availability of funds for compensation of Saadani villagers for a total of 200 million shillings²⁸, which has brought division and conflict among longstanding residents, the creation of at least two different lists of compensation claimants alleged to be from Uvinje²⁹, and persistent lobbying to village, district and higher level supporters to have the villagers finally removed from the currently gazetted coastal strip.

2.3 Spatial Control versus Environmental Governance

Interview data and numerous official documents prepared by TANAPA as well as letters released by district and regional authorities and village governments both predating and subsequent to the establishment of the park, describe the struggles between TANAPA and various adjacent villages. These include, for instance, the assertions and actions by Uvinje sub-village to have its land rights recognized and their land ownership reinstated, and the struggles of Porokanya sub-village, whose villagers have, more recently, been made aware by TANAPA on the need to relocate, because it also, apparently, had its lands gazetted as part of the park. Overall, the documents relate to:

1. Boundary/land conflicts with adjacent communities, which include: a) disputes over the area south of Wami River, whose territory was suggested – by Regional authorities – to remain outside park territory very early in the consultation processes, but ended up being gazetted; b) lack of clarity on park boundaries on the North side of Wami River, where Porokanya (one of Saadani's coastal sub-villages) lands have been gazetted as park land without the knowledge of Saadani village organs; c) the gazetting as park land of Uvinje

sub-village's coastal land without the permission of village and sub-village authorities, under the argument that it was already a part of the Saadani Game Reserve; d) boundary and related land conflicts with six of the villages over boundaries and territory that is assumed by one side to be part of the village and by the other side to be part of the park, and numerous problems along all Park borders because of 'moving boundaries'; e) increasing restrictions to what are considered village resources where villagers are penalized for using resources such as materials for construction from within village boundaries or from community conserved areas; f) misallocation of official permanent park beacons, which have been unilaterally placed within village territories despite the importance of involving village authorities; and g) the multiplicity of park boundary layers and areas, which at various times have been assigned to Saadani National Park in official park docs and reports.

2. Institutional mismatches and conflicts, leading to: a) enmity and institutional antagonism fuelled by attempts at forced expropriation of sub-village territories, which are made despite District level assertions on the need for restitution and degazetting of village lands; b) unilateral planning of park management approaches and goals, affecting institutional interactions and collaboration to address conservation challenges, such as exponentially growing poaching; c) overdue and disregarded compensation disbursements for lands given to/taken by TANAPA, which become a burden to village institutional processes, engender cross-level conflicts and exacerbate poverty; d) institutional misfit for addressing the park's challenges, where there are fundamental conflicts and contradictions between park rules and village by-laws, and between park approaches to the presence of villagers in park lands and to the primordial connections between villagers and what are now park territories; e) unilaterally established authority prerogatives, manifested through repeated incursions into village lands by park security personnel to identify poachers without engagement of village leaders, and unreported and unrequested trespasses into community conserved areas for unknown reasons;
3. Contested park management approaches, which: a) disregard economic and other losses from recurrent wildlife crop raiding events where wildlife disruptions go unaddressed, while entry into park territory by villagers and others is dealt with promptly; b) impose a draconian approach to land and wildlife protection, where it is prohibited and legally and physically punishable under the label of "poaching" to visit sacred areas and traditional settlements within park territory or to step into park lands regardless of actual infringement of park rules; c) generate uncertainty and suspicion towards park management decisions, because of unilateral actions on park-village boundaries demarcation (misallocation of park beacons) which have been placed within community lands; and d) sanction the ineffective, infrequent and isolated nature of the park Community Outreach activities, largely focused on presenting videos to schools without collaboration with or engagement in adjacent villages' conservation or land use planning processes and leadership.

In summary, the SNP boundaries and lands have been officially contested by no less than 6 villages, while at least 4 adjacent villages are engaged in higher level advocacy to have park boundaries reassessed. Of all the villages involved in the research, it is Saadani which faces the greatest challenges on the gazetting of a large part of its coastal territory which, by all accounts, has been done unilaterally. Saadani is also the village with the largest strip of coastal land. Figure 3 shows the approximate extent of former village territories (spatial layers accessed from online source³⁰, based on TZ 2002 National Census) and current portions of land remaining as villages' territories adjacent to SNP. At present, and after more than a decade of institutional struggles, Uvinje sub-village has resisted TANAPA's various

approaches to take possession of the now sub-village's gazetted territory and have consistently demanded that their land rights be restored, and continue to reiterate that they are not going to give their traditional territory for any amount of compensation money. Such community assertions and actions certainly challenge traditional conceptions of economic gain as the central motivation in park community-conflicts, and suggest that deeply rooted spatial-cultural territorial connections are as essential as and perhaps even more important to people's collective welfare than material benefits.

To this day, park governance and management approaches have been unable to gain the support of surrounding villages, which traditionally have been very conservation minded, for addressing poaching and for collaboratively sustaining landscape level conservation efforts. All of which are desperately needed to combat the seven fold increase in poaching activity being faced by the park in the last seven years³¹. Figure 5 shows how no less than 10 of the 13 villages involved in the research have their own community-conserved areas, equivalent to no less than 20% of area identified as park lands. Despite the level of environmental awareness of these adjacent villages and the importance of corridors and ecosystem connectivity to successful ecological conservation, the villages' conservation efforts have not been linked to park efforts but at present represent a threat to park authorities. For park authorities, it is within villages' conserved areas where more often than not poaching is seen to be taking place. Figure 4 shows the pictures of the still standing two remaining Saadani Game Reserve beacons. The beacons precise geographic location has been excluded, as it seems all of the other reserve beacons have been previously removed by park authorities.

¹ Environmental Change & Coastal Protected Areas: The Role of Knowledge, Institutions and Multi-level Governance in Adaptive Capacity is a comparative research project that explores spatial and Institutional dynamics in multi-level environmental governance in the Pacific Rim National Park Reserve on Vancouver, Island, Canada and the Saadani National Park in Tanzania. For more info contact: Aleja@uvic.ca

² Adam Sururu. 1994. *History of Saadani Village and Saadani Game Reserve Document*. Saadani village document archives.

³ The Wildlife Conservation. Games Reserves Order, Section 8. Official Gazette. G.N. No. 275 of 1974. & Village archive docs on history of the reserve.

⁴ *Saadani Game Reserve Reports from 1968, 1969 and 1970*. Located at Game Reserve General Docs, Tanzanian National Archives.

⁵ Tobler et al. 2003. *The impact of cattle ranching on large-scale vegetation patterns in a coastal savanna in Tanzania*. Journal of Applied Ecology 40:430-444. A journal article for which extensive spatial data analysis was carried out.

⁶ The Wildlife Conservation Game Reserve Orders. Section 8. Official Gazette. G.N. No. 275 of 1974.

⁷ Tanzania National Parks *Report to Bagamoyo District Board on the proposition to establish a national park in Bagamoyo District. 2001 November 9*. 3 leaf. Saadani village archives.

⁸ Two game reserve beacons (posts demarcating the boundaries of the reserve) were located during the course of the research presented here. Based on elders' accounts of the former reserve boundaries, Uvinje villagers' identified two of these cement posts showing the boundary, which is vaguely described in the official gazette. These seem to be two of the few beacons that remain from the time of the reserve, as the other are said, according to community respondents from Saadani, to have been removed and piled up at SNP headquarters years ago.

⁹ Minutes from the Bagamoyo District Board dated November 9, 2001, describes how discussions to consent to the establishment of the Saadani national park are guided by TANAPA's report and "according to the map of the game reserve" also provided by TANAPA. It is during this meeting that the District delegates agree to upgrade the Saadani Game Reserve to a National Park. Park establishment documents, Saadani village archives.

¹⁰ Institute of Resource Assessment, University of Dar Es Salaam. 1996. Environmental Evaluation for Tourism Development in the Saadani Game Reserve. Report Commissioned by the Wildlife Division, Ministry of Natural Resources and Tourism.

¹¹ H. S. Mahinda. 1970. Saadani Game Reserve Development Progress Report for the year 1970. The report mentions the establishment of a village tourism board, to oversee tourism activities in the reserve, employment generation and youth training among other developments to support tourism and conservation.

¹² Pangani District Commissioner's Office's letter addressed to: Wildlife Division Executive. 1974 June 4th. 3 leaf. Located at Game Reserve General Docs, Tanzanian National Archives. The Mkwaja South area was added to the reserve around 1996.

¹³ TANAPA. 2002. *Proposal to Establish a National Park Document*. Saadani Village Files. The documents mentions TANAPA's activities in interacting with villagers and agencies at district, regional and national level to assess the feasibility of increasing the size and status of SGR to a National Park. These discussions were supported by and also included researchers and representatives from international organizations, including GTZ, WWF and Fondo per la Terra as prominent ones.

¹⁴ Letter from Bagamoyo District Board on the Regional Commissioner's visit to Uvinje. July 18, 2001. Letters from Uvinje Chairman to the Commission for Human Rights and Good Governance & various District, Regional and National level authorities, July 10, 2002. Letter from Uvinje Chairman to the Bagamoyo District Commissioner & various District, Regional and National level authorities, March 1, 2003. Independent Daily Newspaper (Majira) report on Uvinje's refusal to vacate their land, March 12, 2003.

¹⁵ Proposal to Establish a National Park. Document prepared by TANAPA and presented to the Bagamoyo District Council, January 31, 2001. In it TANAPA clearly states that “the sub-village of Uvinje is located in the reserve illegally. A mistake was done by letting people live there and the population grew by the day”. In this same document TANAPA again says that “residents have been shown the need to vacate”⁴ leaf. Park Establishment Documents, Saadani village archives.

¹⁶ In the GR gazette it is stated: “Commencing from the point where the Ruvu/Moyusi railway line crosses the Mligaji river the boundary follows the north side of the said river downstream to the Indian Ocean; thence in a southerly direction along a cleared and beacons line for approximately eight kilometres to a beacon situated about half a kilometre north of Saadani Village; thence following a cleared and beacons line, leaving Saadani village and Marumbi salt-works to the east, in a south-easterly direction to the point where the Wami river enters the sea;”. By stating a “cleared beacons line” it directly suggests the limit was not the Indian Ocean. Again considering that “Saadani and Marumbi salt-works are located to the East” and the boundary line is “following a south-easterly direction” suggests that the border line was inland rather than along the coast line. This same part of the gazette text also suggests that Porokanya sub-village is outside the reserve boundaries, because Porokanya’s location is north of Wami’s river mouth, right along the coast.

¹⁷ Tanzania National Parks. *Steps Taken to Establish SNP and Current Situation in Bagamoyo Report*. The report indicates that the establishment has largely involved public participation through meetings, workshops and forums, where stakeholders/delegates were informed of and consented to the establishment of the park.

¹⁸ Bagamoyo District Board Minutes 2001 and 2002. Matipwili and Saadani Village document archives.

¹⁹ Matipwili Village Office Letter. *Minutes to resolve disputes between Matipwili and the Saadani National Park*, July 28, 2011. Park establishment documents, Matipwili Village archives. Interviews with leaders from villages connected to the Madete area also identified misplacement of park beacons and lack of engagement of village organs in boundary demarcation as challenges.

²⁰ Bagamoyo District Commissioner’ letter addressed to TANAPA, the Regional Commissioner & the then Member of Parliament Mr. J. Kikwete. *Dispute between TANAPA and residents of Saadani, Matipwili-Java and Mkange villages*, March 12, 2005. Park establishment documents, Matipwili village archives. This letters provides clear descriptions on the actions – and lack of accountability on the part of Bagamoyo District Leaders and the Saadani Park authorities- who have not addressed the multiple issues the villages have with the park on compensation, land usurpation and lack of transparency, including the issues of Uvinje sub-village.

²¹ Adam Sururu. 2004. Account released to the media and authorities on: *TANAPA’s harmful actions towards Uvinje sub-village*. Uvinje village archives.

²² Uvinje Chairman Letter to the Commission for Human Rights and Good Governance. *Is this oppression part of human rights and good governance in the country?* October 7, 2002. Uvinje village archives.

²³ Uvinje Village Letter to Bagamoyo District Commissioner. *Re: Report to vacate the sub-village and pave the way for animals or be forcefully evicted*. March 1, 2003. Uvinje village archives

²⁴ Minutes of a meeting of the residents of Uvinje, November 26, 2006. In this letter the Uvinje membership clearly states that they have no problems with the SGR being part of the park, but with their land being taken as part of the park. This minutes also describe the numerous grievances against TANAPA and lists their numerous appeals to various authorities.

²⁵ The Independent Daily Newspaper. *Article: Villagers swear to die to protect the village*. March 12, 2003.

²⁶ On March 21, 2003. Mr. Jakaya M. Kikwete visits Uvinje and commits to protect their land rights. Source: interviews and Uvinje village archives.

²⁷ Letter from the Bagamoyo District Commissioner to the Head of the Saadani National Park. *Implementation of the Regional Commissioner’s instructions during his visit to the villages neighbouring SNP*, December 1, 2006. This letter directly addressed to TANAPA describes clearly the Regional Commissioner’s orders that Uvinje residents should not be moved and that their land rights should be reinstated.

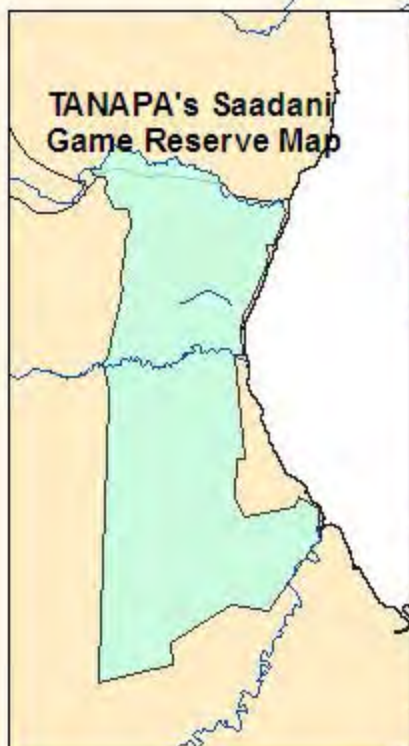
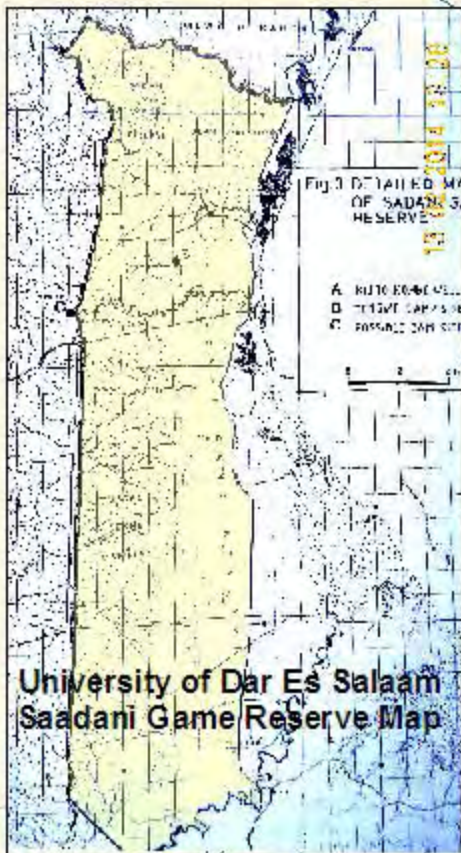
²⁸ Uvinje village letter to the Regional Commissioner. *Re rumours about the millions of compensation for TANAPA where one was left dead in the fracas*, June 22, 2004. Uvinje village archives. The letter elaborates on TANAPA’s approach to reach to residents of Saadani village, who are less involved and/or non-residents of Uvinje, to be included as compensation claimants, which has brought divisions between Uvinje and Saadani.

²⁹ An election ballot dating back to 1999, provides a list of the adult residents of Uvinje at that time. This list does not coincide with one of TANAPA’s list of Uvinje’s compensation claimants from June 9, 2004, all of which are not inhabitants of Uvinje. In a similar manner, subsequent lists of Uvinje compensation claimants provided by TANAPA after 2004, at different years, does primarily show people whose residence has never been located in the sub-village.

³⁰ Tanzania_EA_2002. GIS Database, Census Parameters, EA 2002. Product of FSDT made by digitization of paper maps of NBS 2002 Census. Available Online: <http://www.tzgisug.org/wp/>

³¹ SNP Resource Security Annual Report, 2011-2012.

Overlay of TANAPA's and Other Maps of Saadani Game Reserve



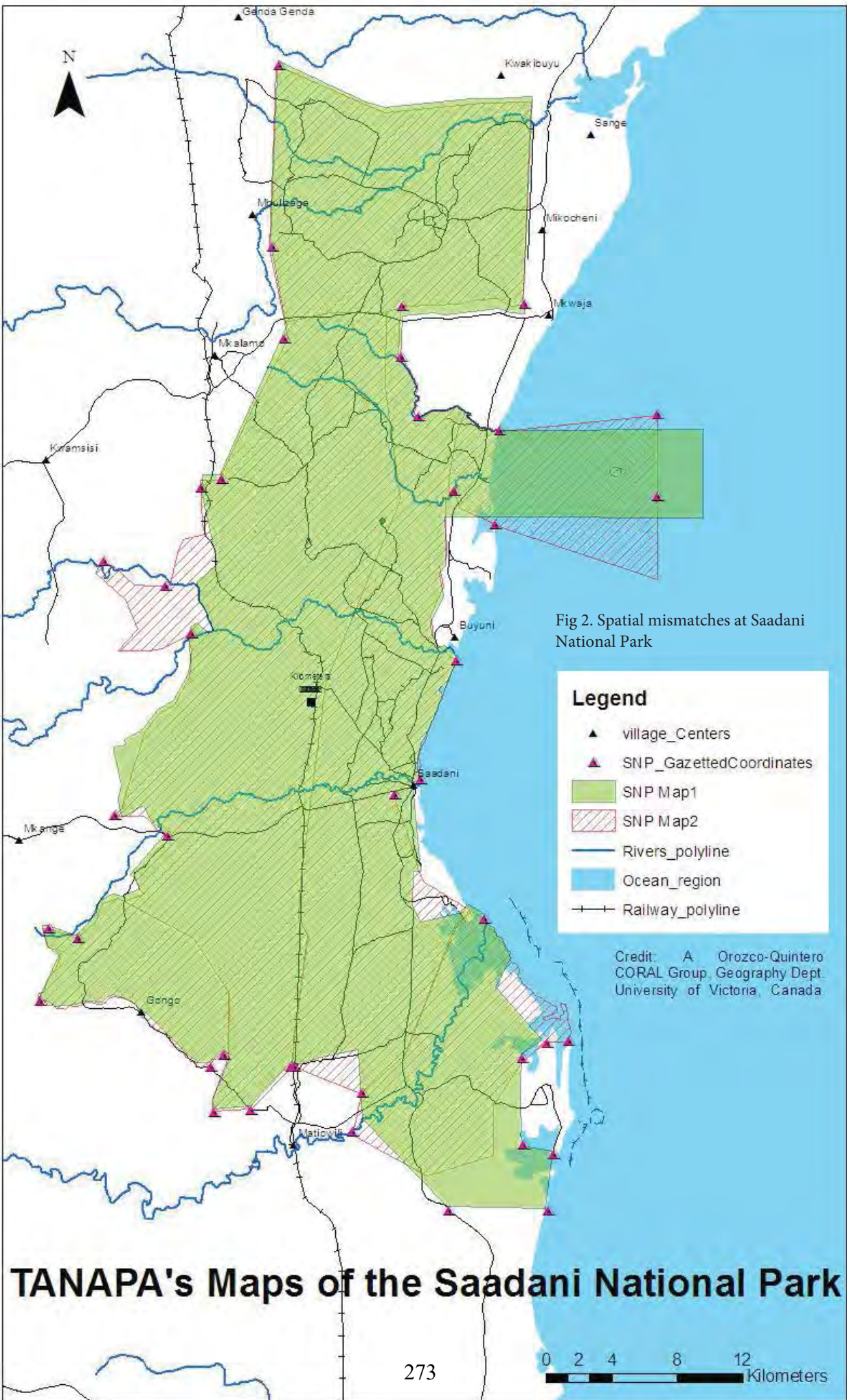




Fig 3a. Former village territories and extent now gazetted as park lands.

Saadani National Park and Adjacent Villages' Former and Current Territories

Credit: A. Orozco-Quintero
CORAL Group, Geography Dept.
University of Victoria, Canada.

0 2 4 8 12 16 Kilometers



Fig 3b. Close view of the former and remaining territory of Saadani village

0 0.5 1 2 3 4 Kilometers

Legend

- █ SGR_KeyPoints
- Sacred Areas
- FormerSettlements
- Coral Reefs
- Rivers
- Saadani NP
- Indian Ocean
- Villages' Former Territories

Credit: A. Orozco-Quintero
 CORAL Group, Geography Dept.
 University of Victoria, Canada.

Area of Saadani's Prime Coastal Territory Gazetted as Park Land

Fig 3c. Extent of Saadani's village lands included in Tanapa's map of the former reserve and currently gazetted as park lands



Legend

-  Key Landmarks
-  Unilaterally gazetted Saadani lands
-  Saad.VillageCoastalLands
-  TANAPA_SNP_area
-  Indian Ocean

Credit: A. Orozco-Quintero
CORAL Group, Geography Dept.
University of Victoria, Canada.

South-eastern Saadani's & Porokanya's land
gazetted by TANAPA, aprox. 27.6 Km².
About 4.5km of the southern coast line

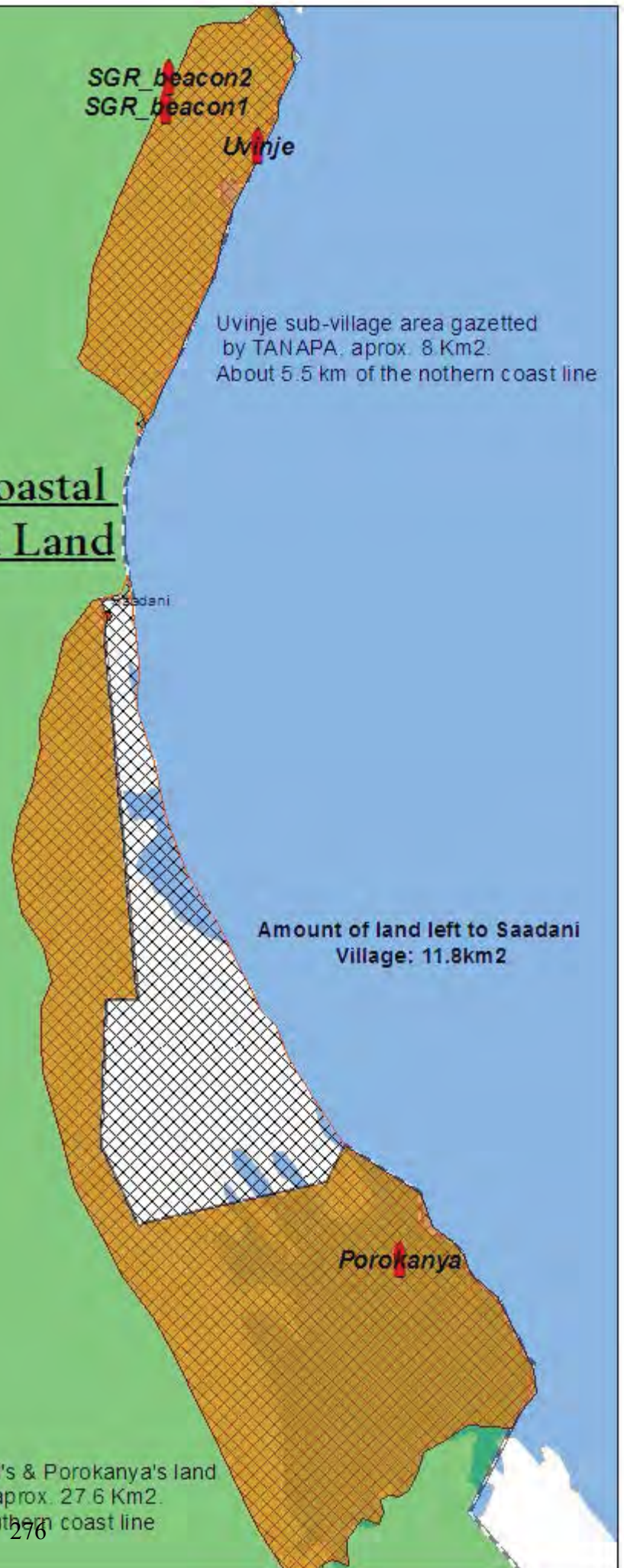
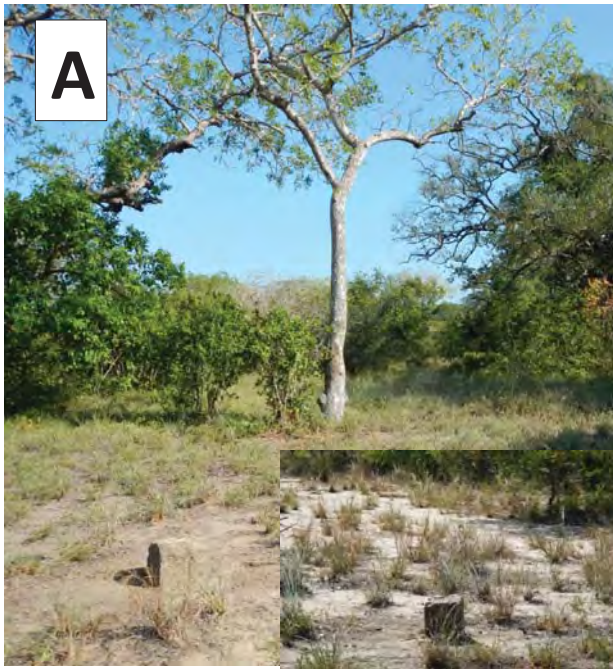


Figure 4. Images in A & B show two of the original Saadani Game Reserve boundary beacons located along the Mkwaja-Saadani rd. While image C, represent the modern Saadani National Park beacons.



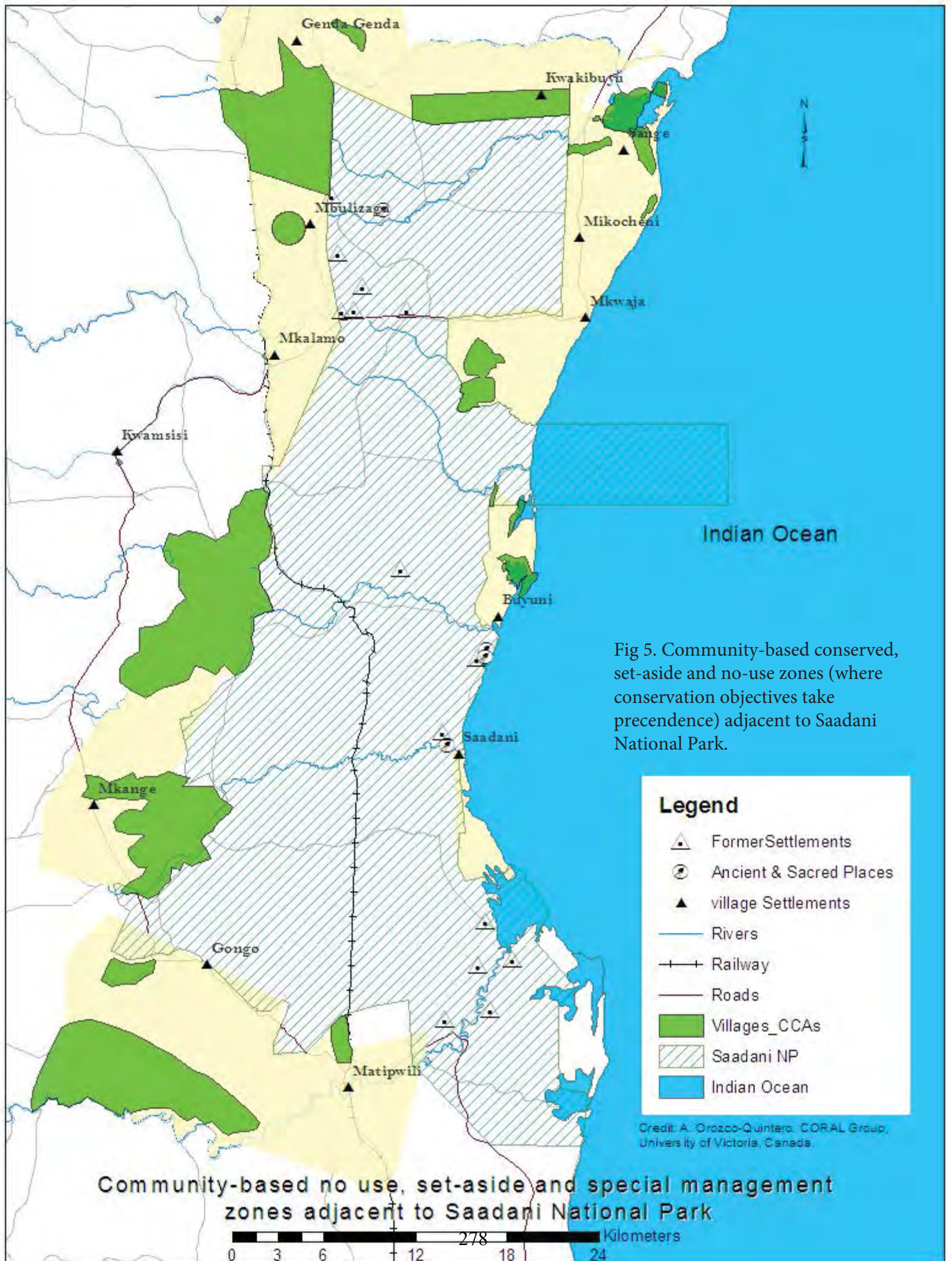


Fig 5. Community-based conserved, set-aside and no-use zones (where conservation objectives take precedence) adjacent to Saadani National Park.

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BY EMAIL

Commissioner Soyata Maiga, Chairperson
Working Group on Indigenous Populations/Communities in Africa
African Commission on Human and Peoples' Rights
31 Bijilo Annex Layout, Kombo North District
Western Region
P. O. Box 673
Banjul, The Gambia

30 June 2014

Dear Commissioner Maiga,

URGENT ACTION REQUEST: Human rights violations and illegal eviction of Uvinje villagers from ancestral home in Saadani Village, Pwani, northeast Tanzania

Minority Rights Group International (MRG) is a non-governmental organisation working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. Over 40 years, MRG has developed extensive experience in the fields of indigenous rights, property rights and human rights law.

We are writing to request your urgent intervention with the Tanzania National Park Authority (under the Tanzanian Government's Ministry of Natural Resources and Tourism) regarding the situation of Uvinje pastoralists who are currently being evicted from their ancestrally owned coastal land adjacent to the Saadani National Park (SNP), in serious violation of relevant international human rights obligations. The information below has been supplied to us by the Researcher Alejandra Orozco, who carried out fieldwork in and around the Saadani National Park on environmental governance. Her research is connected to a larger international project called Protected Areas and Poverty Reduction Canada-Africa Research (PAPR), and was also sponsored through a doctoral fellowship from the International Development Research Centre (IDRC). Her contact details are included at the end of this letter. Since 1999, documents and letters have been collected which illustrate the injustices the village has faced due to TANAPA claiming the Uvinje's ancestral land as part of the Reserve, and Alejandra will be able to provide copies of such documents as necessary.

Background

The land dispute involves Uvinje, a small, coastal sub-village of Saadani Village, located 8 km from the village centre. Since 2005, the Tanzania National Park Authority (TANAPA) has, through the redrawing of boundary lines, unilaterally

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gazetted Uvinje's ancestral lands to create the Saadani National Park. The Uvinje pastoralists are now being forcefully evicted from these lands.

Interviews and historical village documents indicate the involvement of the Saadani village (and sub-villages, including Uvinje) in the establishment of the Saadani Game Reserve¹. In 1965, Saadani village leaders approached the Director of Wildlife to request support to protect the wildlife that was being indiscriminately killed by outsiders. The proposed Saadani Game Reserve (SGR) was created, and officially gazetted by the Wildlife Division in 1974². The boundaries were not demarcated by a formal map, but rather were described by landmarks in the gazette and the outer-boundaries were marked by physical beacons (see Annex 5). In the 1990s, TANAPA became interested in the area as a prospective place for a coastal national park, which led to TANAPA intervening in the drawing of a SGR map to include the totality of the Uvinje and Prorokanya sub-villages and a portion of the Saadani village centre as part of the Reserve. This action spurred the current land dispute. The new map was used to create the boundaries for the Saadani National Park (which includes the Reserve). Although the original territory encompassing the SRG did not include the Saadani Village, the new map strategically included this area, and in 2005 TANAPA began to gazette Saadani's coastal sub-villages, including Uvinje (see Annex 2).

Spatial Features of the Disputed Territory (Saadani Game Reserve)

The total area encompassed by the SGR is thought to have been approximately 209km²³, however, the online version of the SGR official gazette document states that it was comprised of approximately 300km²⁴, while some of TANAPA's official documents indicate it was 260km²⁵. Spatial analysis conducted as part of the present research suggests that the total game reserve area was about 200km² (see Annex 1). Unfortunately, the official SGR gazette does not include a map, and describes the reserve boundaries using only some prominent land features and some vague descriptions of the location of the reserve boundary beacons (see Annex 5).⁶

¹ Adam Sururu. 1994. *History of Saadani Village and Saadani Game Reserve Document*. Saadani village document archives.

² The Wildlife Conservation. Games Reserves Order, Section 8. Official Gazette. G.N. No. 275 of 1974. & Village archive docs on history of the reserve.

³ Tobler et al. 2003. *The impact of cattle ranching on large-scale vegetation patterns in a coastal savanna in Tanzania*. Journal of Applied Ecology 40:430-444. A journal article for which extensive spatial data analysis was carried out.

⁴ The Wildlife Conservation Game Reserve Orders. Section 8. Official Gazette. G.N. No. 275 of 1974.

⁵ Tanzania National Parks Report to Bagamoyo District Board on the proposition to establish a national park in Bagamoyo District. 2001 November 9. 3 leaf. Saadani village archives.

⁶ Two game reserve beacons (posts demarcating the boundaries of the reserve) were located during the course of the research presented here. Based on elders' accounts of the former reserve boundaries, Uvinje villagers identified two of these cement posts showing the boundary, which is vaguely described in the official gazette. These seem to be two of the few beacons that remain from the time of the reserve,

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In 1996, the Ministry of Natural Resources and the Wildlife Division commissioned research to assess the tourism potential of the Saadani Game Reserve. The report was done by researchers at the University of Dar Es Salaam and depicts the original boundaries of the reserve. The recent spatial analysis conducted by the University of Victoria, Canada, utilised the remaining boundary beacons and the SGR original gazette, describing the boundaries of the reserve. The resulting map from the spatial analysis recognises roughly the same boundaries for the SGR as the government commissioned research. Both maps illustrate that Uvinje land was never part of the SGR (see Annex 1).

State's Acquisition of Uvinje's Ancestral Land and Subsequent Forced Evictions

TANAPA failed to consult with the affected villages before gazetting their land as part of the Saadani National Park in 2005. The village of Saadani and leaders of its Uvinje sub-village lodged numerous complaints regarding the wrongfully acquired territory. Since the early 2000s, the village leaders communicated to the authorities that Uvinje lands had never been included in the Reserve, and have made apparent their refusal to vacate their ancestral lands⁷. As illustrated by documents used to establish the Park, TANAPA justified its action to gazette the lands from the two Saadani coastal sub-villages of Uvinje and Prorokanya under the claim that the sub-villages have always been a part of the former game reserve.⁸

TANAPA's wrongful land acquisition without consultation is unwarranted for two primary reasons. First, despite the vague language used in the Reserve's official gazette, it is clear that the Reserve's borders did not extend all the way to the coast (see Annex 4)⁹. The gazette did not name the Indian Ocean as the east border, but rather

as the other are said, according to community respondents from Saadani, to have been removed and piled up at SNP headquarters years ago.

⁷ Letter from Bagamoyo District Board on the Regional Commissioner's visit to Uvinje, July 18, 2001. Letters from Uvinje Chairman to the Commission for Human Rights and Good Governance & various District, Regional and National level authorities, July 10, 2002. Letter from Uvinje Chairman to the Bagamoyo District Commissioner & various District, Regional and National level authorities, March 1, 2003. Independent Daily Newspaper (Majira) report on Uvinje's refusal to vacate their land, March 12, 2003.

⁸ Proposal to Establish a National Park. Document prepared by TANAPA and presented to the Bagamoyo District Council, January 31, 2001. In it TANAPA clearly states that "*the sub-village of Uvinje is located in the reserve illegally. A mistake was done by letting people live there and the population grew by the day*". In this same document TANAPA again says that "*residents have been shown the need to vacate*"⁴ leaf. Park Establishment Documents, Saadani village archives.

⁹ In the GR gazette it is stated: "*Commencing from the point where the Ruvu/Moyusi railway line crosses the Mligaji river the boundary follows the north side of the said river downstream to the Indian Ocean; thence in a southerly direction along a cleared and beacons line for approximately eight kilometres to a beacon situated about half a kilometre north of Saadani Village; thence following a cleared and beacons line, leaving Saadani village and Marumbi salt-works to the east, in a south-easterly direction to the point where the Wami river enters the sea.*"²⁸¹ By stating a "cleared beacons

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used other inland landmarks and physical beacons to draw the boundary to the east. Therefore, the Uvinje's traditional land was geographically excluded from the Reserve's original gazetting. In addition, there were multiple statements and communications from Saadani leaders clearly expressing their refusal to have Uvinje's coastal lands included as part of the Park, implying that the land was not inherently included in the SGR. Second, the SNP establishment documents do not include evidence of any consultation with Saadani Village leaders in regards to receiving approval to have Uvinje's ancestral lands included in the Park.

TANAPA has taken no action to reassess the gazetted park lands, despite being ordered by the Bagamoyo Regional and District Commissioner in 2006 to reinstate the land rights of Uvinje. To the contrary, TANAPA has persisted in its efforts to evict villagers from Uvinje's now gazetted coastal land. These efforts have included providing compensation to individuals who are not in fact residents of Uvinje to give a false sense of legitimacy to the forced evictions. In fact, there have been at least two different lists of compensation claimants alleged to be from Uvinje.¹⁰ However, the named persons are not residents of the sub-village as per local documentation, and discrepancies exist among the residences listed and the actual boundaries of the sub-village.

TANAPA'S Failure to Comply with Human Rights Obligations

MRG submits that the actions of TANAPA in violating the human rights of pastoralists through land acquisition, and forcibly evicting the Uvinje sub-village from their ancestral lands, breaches a number of key human rights obligations contained in international instruments.

MRG further submits that the Tanzanian Government has violated a number of rights protected by the African Charter. Articles 14, 16 and 18 of the African Charter combined have been interpreted by the African Commission as incorporating the right to housing¹¹. In the Endorois case, the African Commission noted that jurisprudence under international law grants rights of ownership rather than mere access, since ownership ensures that indigenous peoples "can engage with the state and third parties

line" it directly suggests the limit was not the Indian Ocean. Again considering that "*Saadani and Marumbi salt-works are located to the East*" and the boundary line is "*following a south-easterly direction*" suggests that the border line was inland rather than along the coast line. This same part of the gazette text also suggests that Porokanya sub-village is outside the reserve boundaries, because Porokanya's location is north of Wami's river mouth, right along the coast.

¹⁰ An election ballot dating back to 1999, provides a list of the adult residents of Uvinje at that time.

This list does not coincide with one of TANAPA's list of Uvinje's compensation claimants from June 9, 2004, all of which are mostly unknown to Uvinje and Saadani leaders. In a similar manner, subsequent lists of Uvinje compensation claimants provided by TANAPA after 2004, at different years, does primarily show people whose residence has never located in the sub-village.

¹¹ *SERAC v Nigeria*, African Commission on Human and Peoples' Rights, Comm No 155/96 (2001)

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as active stakeholders rather than as passive beneficiaries”¹². Based on this jurisprudence, the Commission found that the Kenyan government’s denial of land to the Endorois amounted to an encroachment of their right to property in violation of Article 14 of the African Charter. The Commission found violations of the right to religion (Article 8), culture (Article 17), natural resources (Article 21), and development (Article 22) including breach of the duty to obtain ‘free, prior and informed consent’¹³. The Tanzanian Government’s actions as set out above similarly are in violation of these provisions.

Finally, MRG submits that TANAPA has breached its obligations under Article 4 of the African Charter, which protects the right to life. TANAPA’s physical intrusion in gazetting the Uvinje’s ancestral lands and their attempts at false compensation and forceful eviction of the village has been the primary source of conflict; with documented instances of the authorities threatening and intimidating, and causing fatal injuries upon the indigenous population (see Annex 6).

Conclusion

The means by which TANAPA seeks to achieve the Uvinje’s land is not legitimate. Furthermore, evictions should only be seen as a last resort, where necessary, and always in a manner compatible with international human rights law. TANAPA’s gazetting of the sub-village’s ancestral land violates the indigenous peoples’ right to property, guaranteed by the aforementioned human rights instruments. Forced eviction of the village without consultation, compensation, and consent further exhibits atrocious human rights abuses. MRG urges immediate action to be taken to prevent the forceful eviction of the Uvinje pastoralists from their home, and for TANAPA to promptly cease interference with the Uvinje’s ancestral land.

Request for Urgent Action

In light of these continued violations, we respectfully request the Working Group to use all available means to engage in discussions with TANAPA and the Government of Tanzania with a view to obtaining commitments from it to the following:

1. The immediate end to forced evictions from the Saadani sub-village of Uvinje;
2. The immediate end to the related human rights violations of the pastoralists of Uvinje;
3. The return of those pastoralists who have already suffered forced eviction from the area;

¹² ACHPR Endorois Case, para. 204

¹³ *Ibid*, paras. 289-298

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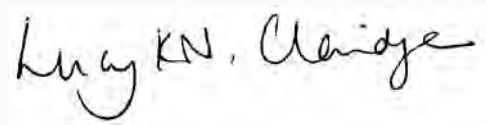
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4. The establishment of measures that guarantee the pastoralists of Uvinje their fundamental constitutional and human rights, including the recognition of the traditional ownership of the Uvinje sub-village by its inhabitants and the protection of the rights attached to such ownership, such as natural resource and livelihood rights, and the requirement to obtain free, prior and informed consent where ancestral land owners face eviction from their homes, in accordance with international law;
5. The immediate formation of an independent committee to investigate the evictions and human rights violations and to make recommendations for action to be taken;
6. Full, thorough and prompt investigation of the human rights abuses and/or related crimes, including offering the pastoralists the opportunity to pursue criminal prosecutions together with compensation, thus ensuring that those responsible for the violations are brought to justice
7. The establishment of constructive dialogue between relevant Government authorities, the Uvinje community and their representative organisations regarding their deeply felt concerns over the Saadani National Park land acquisition.

Please do not hesitate to contact us should you require any further information.

Kind regards,

Yours faithfully



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Mr. Allan J H Kijazi. Director General of TANAPA, dg@tanzaniaparks.com

Regional Commissioner Ms. Mwantumu Mahiza rc@pwani.go.tz

cc: Mr. Braulio da Souza Dias, Executive Secretary of the Convention on Biological Diversity
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Mr. Trevor Sandwith, Director of the IUCN Global Protected Areas Programme and 2014 World Parks Congress trevor.sandwith@iucn.org

Mr. George Wambura, Executive Secretary of the Community Wildlife Authorised Association Consortium elianshiwanga@yahoo.com

Ms. Maanda Ngoitiko, Executive Director of Pastoral Women Council, pwcexecdirector@gmail.com

Bugnau (Switzerland), August 20, 2014

Ref: Concerns about the attempted eviction of Uvinje community of Saadani Village, Pwani, northeast Tanzania

Excellencies,

The ICCA Consortium is an international association under Swiss law uniting federations and organizations of indigenous peoples, local communities and NGOs concerned with the appropriate recognition of the ***territories and areas conserved by indigenous peoples and local communities (ICCAs)*** throughout the world. We are a partner organization of the Secretariat of the Convention on Biological Diversity (CBD), the United Nations Development Programme (UNDP GEF SGP) and the International Union for the Conservation of Nature (IUCN). Our Members and Honorary members span over fifty countries.

The ICCA Consortium's worldwide engagement is part of the global recognition of the importance of community conservation practices, including by those who define themselves as discrete indigenous peoples and those who do not, to achieve global conservation goals and targets. This recognition is enshrined in the Convention on Biological Diversity (CBD), which recommends Parties to "*recognize the role of indigenous and local community conserved areas in biodiversity conservation and*

diversification of governance types” (CBD COP 10, Decision X 31), a role considered fundamental to reach Aichi Biodiversity Targets 11 and 18, among others.ⁱ

We are writing to express concerns regarding the threatened eviction of the Uvinje villagers from their ancestrally owned coastal land adjacent to the Saadani National Park, in violation of international human rights obligations and in contradiction with CBD decisions, IUCN Resolutions and Tanzania’s own land tenure and natural resource policies that protect village land rights. Such an eviction would not only have serious negative consequences for the Uvinje community’s livelihoods and well-being but also for conservation practices in the country and region.

News of possible eviction comes as a surprise to the Consortium as our global members have looked for some years to Tanzania as a lead actor in both the recognition of customary land rights and the practical development of mechanisms to enable communities to contribute to national conservation objectives without losing their lands. We refer to Wildlife Management Areas (WMA) but especially to the extraordinary progress Tanzania has made in the form of community owned and managed forest reserves (see below). Both offer important avenues through which such conundrums of rights and conservation as demonstrated in this case may be addressed.

Background

The mentioned dispute involves Uvinje, a small, coastal sub-village of Saadani Village, located 8 km from the village centre. Since the 1990s, the Tanzania National Park Authority (TANAPA) has, through the redrawing of boundary lines, unilaterally gazetted Uvinje’s present and ancestral lands to extend the coverage of Saadani National Park. As a result, the Uvinje villagers now face forced eviction from their land and homes.

In 1965, **the Saadani village leaders themselves approached the Director of Wildlife to request support to protect local wildlife** that was being indiscriminately hunted by outsiders. The Saadani Game Reserve (SGR) was created, and officially gazetted by the Wildlife Division in 1974. The community thus voluntarily contributed over 66% of their original lands to the Reserve, including voluntarily vacating some smaller sub-villages, close to the better rangelands where wildlife found important habitats. **In exchange, the community was promised the retention in perpetuity of the coastal areas where their main villages, including Uvinje, are situated.** The same agreement applied to the main coastal villages of Saadani and Porokanya. At the time of the agreement **the Game Department (WCA) positioned a line of concrete beacons (markers) to delineate the official boundary between the Saadani Game Reserve and the village lands** (see [Annex 1](#)). New land law (Land Act, 1999, Village Land Act, 1999 confirmed villagers as legally enjoying protection for their village lands.

In the 1990s, without involving or consulting the local communities, TANAPA redrew the boundaries of the Saadani Game Reserve to include the totality of the Uvinje and Porokanya sub-villages and a portion of the remaining Saadani village lands. From the new map, as drawn up by TANAPA, it is clear that these new boundaries now delineate the area of the gazetted Saadani National Park (see [Annex 2](#)). As soon as the villagers became aware of this, they strongly objected (see [Annex 3](#)).

In 2006, an official investigation by the Commissioner of Bagamoyo District and the Regional Commissioner of the Coastal Region into the status of the village lands ruled firmly in favour of the villagers (see [Annex 4](#)). In late 2011, however, TANAPA and a new Bagamoyo District Commissioner insisted that the villagers were to relocate. In June 2014 government officials and policemen attempted to start the expropriation of the Uvinje community’s lands. There have also been attempts to persuade Uvinje villagers to accept compensation, which legitimate members of the community have steadfastly rejected (see [Annexes 2 & 5](#)).

Independent research setting out the full history of the status of the lands in question is provided in [Annex 6](#); this **includes expert spatial analysis** of relevant maps and boundary descriptions.

Despite the decision by TANAPA to alter the recorded boundaries of the Saadani National Park, the **villagers of Uvinje** remain the legal owners of the village lands in question. Moreover, they have for a long time proven to be **diligent custodians of their lands and able to respect and manage wildlife whilst remaining *in situ***. Their excellent relationship with the Game Department over 30 years testifies to this.

Concerns

The ICCA Consortium is informed that 24 households and about 56 adult landowners are directly and primarily affected in this case. These are not large numbers, but fundamental questions of rights and lessons for other citizens remain at stake, and raise questions as to how far Tanzania's own legal and administrative processes have been observed. From the perspective of international law, may we also draw your attention on a number of covenants to which Tanzania is a State Party.

1. The forced eviction of customary landholders from their lands is a violation of their fundamental rights and the duties of States to recognise and protect such rights.

Articles 2 of the **International Covenant on Civil and Political Rights**ⁱⁱ requires that

All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

This is reiterated in the **International Covenant on Economic, Social and Cultural Rights**.ⁱⁱⁱ In addition, the Covenant requires State Parties to take appropriate steps to ensure the realization of the right to an adequate standard of living, to food and adequate housing (Article 11) and the right for cultural heritage, so often premised on longstanding habitation and special sites to be protected (Article 15).

Articles 7 and 14 **African [Banjul] Charter on Human and Peoples' Rights**^{iv} are similarly protective of Africans land rights under provisions requiring that

The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate law (Article 14), and

Every individual shall have the right to have his cause heard (Article 7).

International jurisprudence on these commitments has been considerable. In Africa, the landmark decision of the African Commission on Human and Peoples Rights in 2010 is also of note. This ruled that the dispossession of the Enderois (in Kenya) amounted to an encroachment of their right to property in violation of Article 14 of the above African Charter and also found violations of the right to culture (Article 17), to natural resources (Article 21) and to development (Article 22), including breach of duty to obtain 'free, prior and informed consent'.^v

2. Conservation efforts that damage human, indigenous peoples' and local community rights are unlikely to foster effective long-term conservation results and are incompatible with relevant international policies and best practices

Global conservation policy promotes the integration of community rights and conservation targets through mechanisms such as ICCAs, whereby communities, supported through suitable measures and incentives, practice conservation while sustaining and developing their livelihoods. This position is confirmed in numerous policy statements of the Convention on Biological Diversity— in particular element 2 of its **Programme of Work on Protected Areas**^{vi} approved at CBD COP 7, as well as Decisions at CBD COP 9, COP 10 and COP 11 that promote the role of communities in conservation and support the recognition of different types of governance of protected and conserved areas by legal and other effective means.^{vii} In addition, the International Union for Conservation of Nature and Natural Resources (IUCN)— the leading international technical authority on conservation, an organisation of which Tanzania is a member— also stresses the need to promote and support ICCAs in its **IUCN Resolution 5.094** (*Respecting, recognizing and supporting Indigenous Peoples' and Community Conserved Territories and Areas*) of September 2012, and its recent Best Practice in Protected Areas Series— volume No. 20 on governance of protected areas.^{viii}

This position is reflected in the Tanzanian Government's own legal provisions and actual practice. We note that as of 2012 (we have no more recent data) no fewer than **1,233 villages in Tanzania** have brought 2.366 million hectares of woodland and forest and comparable natural flora areas under protection as **village owned and managed reserves**. A further 5.392 million hectares of **National and Local Authority Reserves** are managed by communities under the technical guidance of local and national forest authorities.^{ix} And more than 3% of the country's land area is under **38 Wildlife Management Areas**— communal lands set aside by 148 villages exclusively as habitat for wildlife, engaging active contributions to conservation by more than 440,000 people.^x

Tanzania's acclaimed efforts echo global findings that community conserved areas offer one of the most effective and natural routes to sustainable conservation, and offer added benefits in terms of livelihoods, cultural conservation and the respect of collective rights.^{xi}

In sum, we respectfully invite the Tanzanian Government to consider that the proposed eviction of the villagers of Uvinje would contravene international best practice and Tanzania's own laws and strategies on the involvement of citizens in conservation, would constitute a pernicious example for villagers *not* to engage in conservation and would ultimately *not* be conducive to sustaining wildlife in Tanzania in general and in Saadani National Park in particular.

Appeal for action

Excellencies,

The ICCA Consortium and its Members from over fifty countries appeal to the Tanzanian Government to give urgent consideration to the matters raised in this letter and to **cancel the proposed eviction of Sadaani villagers from Uvinje**. We note that under the Village Land Act, 1999, in addition to procedures designed to limit wrongful and unnecessary transfers from village to general or reserved lands, provision is made for the President to direct the Minister in charge of land matters to **appoint an inquiry** (VLA, s. 4 (12)). We respectfully urge that this practical action be considered in order for the matter to be thoroughly investigated; through this, **amicable dialogue, discussion of options, and mutual agreement between State and citizens** may be reached.

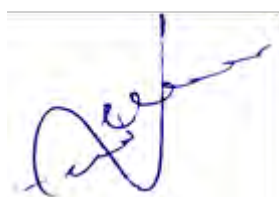
In the course of investigation, we appeal that, *inter alia*, these aspects be taken into consideration:

- i. **That the Uvinje case presents an exceptional condition:** the Uvinje community voluntarily surrendered in good faith two thirds of its traditional village land area for the creation of the

Sadaani Game Reserve, and has willingly made do with the remainder on the basis that its rights to these lands were assured;

- ii. ***That the dispute arises primarily from a misunderstanding about the boundaries of the original Saadani Game Reserve:*** and that now, with important historical and spatial information available (as illustrated in Annexes), misinformation as to the real location of the SGR boundary may be corrected;
- iii. ***That grave confusions have arisen over compensation:*** it appears that compensation has been offered ahead of eviction and/or accepted by some citizens, but it transpires that these beneficiaries are *not* legitimate members of Uvinje sub-village and are taking advantage of the situation. As noted in [Annex 5](#), ***no legitimate member of Uvinje has accepted compensation or intends to do so;***
- iv. That while the right of the Government of Tanzania to acquire village land through compulsory acquisition is obviously not disputed, the incidents of the case suggest that this may not serve genuine public interest; and
- v. ***That other routes exist to reach peaceable and just remedy, notably via Tanzania's constructive options to secure and conserve village land and natural resources,*** and we appeal that these be brought into play. These routes were structured to provide win-win outcomes for land rights and conservation, and it is our humble view that this is possible in this instance.

We thank you very much for your kind consideration and we look forward to hearing from you. We would simply be delighted to celebrate with TANAPA officials, at the forthcoming 2014 World Parks Congress (12-19 November 2014, Sydney, Australia), a positive and forward looking solution of this case: Tanzania confirmed as leader in conservation practices compatible with sustainable livelihoods and the respect of community collective capacities and land rights.



Dr. M. Taghi Farvar
President, The ICCA Consortium



Dr. Grazia Borrini-Feyerabend
Global Coordinator, The ICCA Consortium

Annexes:

Annex 1. [The Wildlife Conservation Games Reserves Order, Section 8. Official Gazette. G.N. No. 275 of 1974.](#)

Annex 2. [Spatial Analysis on extent and location of Saadani village's land gazetted as park land.](#)

Annex 3. [Pre and post Park establishment official communications, from District and village level authorities, addressing multiple issues relating to Park claims to village land.](#)

Annex 4. [Letter from the Bagamoyo District Commissioner to the Head of the Saadani National Park. December 1, 2006.](#) This letter addressed to TANAPA describes the Regional Commissioner's orders that Uvinje residents should not be moved and that their land rights should be reinstated.

Annex 5. [Documentation relating to confusion in identification of beneficiaries of compensation.](#)

Annex 6. [Independent Research: Case Study Report: Uvinje Village & the Saadani National Park Tanzania, May 2014,](#) International Development and Research Centre; and [Environmental Evaluation For Tourism Development in the Saadani Game Reserve, February 1997,](#) Institute of Resource Assessment, UDSM, commissioned by the Wildlife Division and the Ministry of Natural Resources & Tourism.

Endnotes:

ⁱ Kothari, A. and A. Neumann, 2014, *ICCAs and Aichi Targets: The Contribution of Indigenous Peoples' and Local Community Conserved Territories and Areas to the Strategic Plan for Biodiversity 2011-20*, ICCA Consortium, Kalpavriksh, CBD Alliance, and CENESTA, Teheran (in press).

ⁱⁱ G.A. res 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976.

ⁱⁱⁱ G.A. res 2200A (XXI) of 16 December 1966, entered into force 3 January 1976.

^{iv} Adopted June 27, 1981, OAU Doc. CAB/LEGL67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986.

^v *Communication 276/2003, Centre for Minority Rights and Minority Rights Group International on behalf of the Endorois Welfare Council v Kenya*, delivered by the African Commission on Human and Peoples Rights and confirmed by the African Union in February 2010.

^{vi} Seventh Conference of the Parties (COP) to the Convention on Biological Diversity (CBD), Decision VII.28, Kuala Lumpur, 2004.

^{vii} Distilled highlights of such decisions, as well as CBD technical analyse of ways by which countries are respecting such decisions, are available at http://www.iccaconsortium.org/?page_id=35 and http://www.iccaconsortium.org/?page_id=30

^{viii} Borrini-Feyerabend, G., N. Dudley, T. Jaeger, B. Lassen, N. Pathak Broome, A. Phillips and T. Sandwith (2013). *Governance of Protected Areas: From understanding to action*, Best Practice Protected Area Guidelines Series No. 20, Gland, Switzerland: IUCN. xvi + 124pp.

^{ix} Ministry of Natural Resources and Tourism of Tanzania, *Participatory Forest Management in Tanzania, Facts and Figures*, Department of Policy and Planning of the Ministry of Natural Resources and Tourism, Dar es Salaam, 2012

^x WWF, 2014, *Tanzania's Wildlife Management Areas: A 2012 Status Report*, WWF, Dar es Salaam

^{xi} See, for instance: Persha L. and T. Blomley, 2009, *Management Decentralization and Montane Forest Conditions in Tanzania*, *Conservation Biology*, 23: 1485-1496; Treue, T. et al., 2014, *Does Participatory Forest Management Promote Sustainable Forest Utilization in Tanzania?* *International Forestry Review*, 16 (1): 23-28. For global evidence, refer for example to Sayer, J. et al., 2007, *Local Rights for Forests: Opportunity or Threat for Conservation? Rights and Resources*, Washington DC; Somanthan, S. et al., 2009, *Decentralization for cost-effective conservation*, *Proceedings of the National Academy of Sciences of the USA*, 106:4243-4247; Seymour, F. et al., 2014 *Evidence linking community-level tenure and forest condition: An annotated bibliography*, *Climate and Land Use Alliance* http://www.climateandlandusealliance.org/uploads/PDFs/Community_level_tenure_and_forest_condition_bibliography.pdf

Hon. H.E Jakaya Mrisho Kikwete - President and Commander-in-Chief of the Armed Forces of the United Republic of Tanzania. jkikwete@parliament.go.tz

and

Hon. Mizengo Kayanza Peter Pinda - Prime Minister. mpinda@parliament.go.tz

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Hon. Mahmoud Mгимwa - Deputy Minister of Natural Resources and Tourism. nwmu@mnrt.go.tz

Hon. James Lembeli - Chairman of Parliamentary Committee on Land, Environment & Natural Resources. jlembeli@parliament.go.tz

Hon. Prof. Anna Kajumulo Tibaijuka - Ministry of Lands, Housing and Human Settlements Development. atibaijuka@parliament.go.tz

Mr. Allan J H Kijazi - Director General of TANAPA. dg@tanzaniaparks.com

Regional Commissioner Eng Evarist Ndikilo, P.O.Box 30080, Kibaha-Pwani. ras.pwani@pmoralg.go.tz
ras@pwani.go.tz

Bahame Nyanduga - President of the National Human Rights Institution, Tanzania (hand delivered).
Commission for Human Rights and Good Governance, Plot no 8, Haki House, Luthuli Street, Box
2643, Dar Es Salaam. chragg@chragg.go.tz mary.massay@chragg.go.tz

cc:

Mr. Braulio da Souza Dias - Executive Secretary of the Convention on Biological Diversity.
braulio.dias@cbd.int

Mr. Trevor Sandwith - Director of the IUCN Global Protected Areas Programme and 2014 World
Parks Congress. trevor.sandwith@iucn.org

Mr. George Wambura - Executive Secretary of the Community Wildlife Authorised Association
Consortium. elianshiwanga@yahoo.com

Ms. Maanda Ngoitiko - Executive Director of Pastoral Women Council. pwccexecdirector@gmail.com

Bugnau (Switzerland), 5th February, 2015

Ref: Soliciting response to ICCA Consortium letter regarding attempted eviction of Uvinje community of Saadani Village, Pwani, northeast Tanzania

Excellencies,

We refer to our letter dated August 20, 2014, in which we expressed strong concerns regarding the threatened eviction of the Uvinje villagers from their ancestrally owned coastal land adjacent to the Saadani National Park. To date we have received no response to this letter.

We understand that TANAPA has not yet withdrawn its claims, nor communicated formally with Sadaani Village and its most affected sub-village, Uvinje. Further, and of profound concern, we understand that there is a possibility that a group of individuals claiming to possess relevant 'land rights', is imminently to be paid 'compensation' for rescinding such alleged rights. Under Tanzanian law, and without any specific agreement from the rightful land owners in Uvinje, this could

constitute a serious abuse in process and substance that you will surely wish to avoid. Indeed, if the alleged 'compensation' is about to be paid, we call on your good offices to ensure that this is avoided.

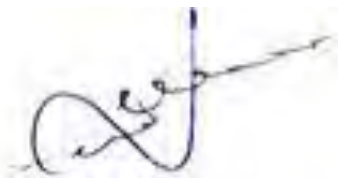
For 14 years, the Uvinje villagers have tirelessly worked to bring the threatened eviction matter to the attention of the relevant authorities. In the absence of an appropriate and lawful response, we understand that they are on the verge of proceeding with litigation. This is truly unfortunate! Tanzania has been heralded by many, including our global membership, as an international leader in both the recognition of customary land rights and the practical development of mechanisms to enable communities to contribute to national conservation objectives. At the recent World Parks Congress (WPC - Sydney November 2014) discussion of the Uvinje case was prominent in a number of workshops and working groups, and many expressed the conviction that the Tanzanian Government would be able to solve the matter in line with international agreements and best practices. If this proves to be otherwise, the international disappointment will be tremendous.

The ICCA Consortium Secretariat, as well as its global membership, are tracking the matter and eagerly awaiting a positive resolution consistent with Tanzania's own land tenure and natural resource policies that protect village land rights, as well as with international human rights obligations, CBD decisions, IUCN Resolutions and the recent WPC 'Promise of Sydney'.

For your convenience we attach here again our original letter and list of annexes that can be found in the Internet.

We would like to solicit your urgent response and action, hoping that the participation of Tanzania in the recent World Parks Congress may have strengthened your posture on community conservation in line with the results of the Congress itself.

We look forward to your prompt reply.



Dr. M. Taghi Farvar
President, The ICCA Consortium



Dr. Grazia Borrini-Feyerabend
Global Coordinator, The ICCA Consortium

Attachment: copy of letter of 20 August 2014 and list of relevant annexes.



Simu : +255 785 555135/766 844304

HIFADHI YA TAIFA SAADANI,

Nukushi :

Barua pepe: saadani@tanzaniaparks.com

Tovuti: www.tanzaniaparks.com

S.L.P. 133,
PANGANI,
TANGA.

Unapojibu Tafadhali Taja:

Kumb. LEG/SA/1

Received
8/04/2014
B. B. B.

17/03/2014

MKURUGENZI MTENDAJI

TIMU YA WANASHERIA WATETEZI WA MAZINGIRA (LEAT)

S. L.P 12605

DAR ES SALAAM.

**YAH. WAKAZI WA KITONGOJI CHA UVINJE KUWEMO NDANI YA HIFADHI YA
TAIFA SAADANI**

Barua yako Kumb. Na. LEAT/SNPA/2014/1 ya tarehe 28/01/2014 kuhusu mada tajwa hapo juu yahusika.

Nimeambatanisha pamoja na barua hii maelezo yanayofafanua uwepo ndani ya Hifadhi ya Taifa Saadani wa wananchi wa kitongoji cha Uvinje, kijiji cha Saadani kama ulivyoomba.

Wako,

Ismail O. Ismail

Kny: Mkuu wa Hifadhi

HIFADHI YA TAIFA SAADANI.

**UFAPANUZI KUHUSU WAKAZI WA KITONGOJI CHA UVINJE KUWEMO NA
KUENDELEA KUISHI NDANI YA HIFADHI YA TAIFA SAADANI**

Hapa chini natoa ufafanuzi wa hoja ulizohitaji maelezo yake kuhusu wakazi wa kitongoji cha Uvinje, Kijiji cha Saadani kuwemo na kuendelea kuishi ndani ya mipaka ya Hifadhi ya Taifa Saadani:

1. Hifadhi ya Taifa ya Saadani imeanzishwa na kutangazwa tarehe 16/09/2005 kwenye gazeti la Serikali (Government Notice (G.N)) No.281. Eneo na mipaka ya Hifadhi hii imeainishwa kwenye G.N hiyo (Nakala imeambatanishwa) ambapo Kitongoji cha Uvinje kimo ndani ya mipaka ya Hifadhi, Hifadhi hii ina ukubwa wa Km² 1,100.
2. Kulikuwa na ushirikishwaji wa kutosha kuanzia ngazi ya kijiji hadi mkoa kulikopelekea kutangazwa kwa Hifadhi ya Taifa Saadani. Uvinje ni moja ya vitongoji vya kijiji cha Saadani, ambapo Serikali ya kijiji hiki ndio iliokuwa msemaji wa kitongoji katika mchakato uliopelekea kuitangaza Hifadhi. Aidha, Hifadhi ya Taifa Saadani imetokana na kupandishwa hadhi lililokua Pori la Akiba la Saadani kuwa Hifadhi ya Taifa, ambapo mipaka ya pori hilo imeainishwa kwenye G.N. No.275 (Nakala imeambatanishwa).
3. Kitongoji cha Uvinje kimekuwa ndani ya mipaka ya Pori la Akiba la Saadani na kwamba wakazi wa kitongoji hiki wamekuwa wakiishi ndani ya mipaka ya pori hili mpaka lilipopandishwa hadhi kua Hifadhi ya Taifa. Hivyo, Hifadhi ya Taifa Saadani imerithi mipaka ya Pori la Akiba hali ya kuwa tayari wakazi wa kitongoji cha Uvinje wamo na wanaendelea kuishi ndani ya mipaka hiyo.
4. Kwa mujibu wa sheria ilioanzisha Hifadhi ya Taifa Saadani, "***The National Parks Act (Cap. 282 R.E 2002)***" na ile ilioanzisha Pori la Akiba Saadani, "***The Wildlife Conservation Act (No. 5 R.E 2009)***" na G.Ns nilizozitaja hapo juu, ni dhahiri wakazi wa Kitongoji cha Uvinje wamo ndani ya Hifadhi na wanaishi katika eneo hilo kinyume cha sheria. Juhudi za kuwaondoa wakazi hawa katika eneo la Hifadhi zinandelea.
5. Ili asasi za kiraia kutekeleza shughuli za kiuhifadhi kwa kuishirikisha Hifadhi ni budi asasi hizo kuwasiliana na kuomba ridhaa ya kutekeleza azma hiyo kwa Mkurugenzi Mkuu; Hifadhi za Taifa Tanzania, S. L. P 3134 ARUSHA ili idhini iweze kutolewa. Nashauri asasi yako nayo ifuate utaraibu huu.
6. Mwisho, nawasilisha.

Telephone: +255 785 555135/766 844304

SAADANI NATIONAL PARK

Fax:

P. O. BOX 133,

Email: saadani@tanzaniaparks.com

PANGANI,

Website: www.tanzaniaparks.com

TANGA.

When replying please quote:

Ref. LEG/SA/1

17/03/2014

EXECUTIVE DIRECTOR

LAWYERS' ENVIRONMENTAL ACTION TEAM (LEAT)

P. O. BOX 12605

DAR ES SALAAM

RE: UVINJE PEOPLE RESIDING WITHIN SAADANI NATIONAL PARK

Your letter Ref. No. LEAT/SNPA/2014/1 dated 28/01/2014 on the subject mentioned above applies

I attach together with this letter, information that best describes the presence of the people of Saadani village of Uvinje suburb within Saadani National Park as you had requested.

Yours

Ismail O. Ismail

Kny: Chief Park Warden

SAADANI NATIONAL PARK

CLARIFICATION REGARDING UVINJE RESIDENTS PRESENCE AND CONTINUANCE TO STAY INSIDE SAADANI NATIONAL PARK

I am hereby giving clarifications on the issue you had enquired, regarding Uvinje residents' presence and continuance to stay inside Saadani National Park:

1. Saadani National Park was established and put in the Government Gazette (Government Notice (G.N)) No.281. The locality and boundaries of the Park has been clearly defined in the G.N (Copy attached) whereby the Uvinje suburb is inside the Park borders, the Park size is 1,100 Km²
2. There was enough participation from the village to provincial level before declaring the Saadani National Park. Uvinje was one of the suburbs of Saadani village, whereby the leadership of this village represented their people in that process that led to establishment of the Park. In addition, Saadani National Park was a result of upgrading the status of Saadani Game Reserve to a National Park, whereby the boundaries of that game reserve have been shown in G.N. No.275 (Copy attached).
3. Uvinje suburb has been inside the boundaries of Saadani Game Reserve and the residents of this suburb have been staying within the reserve even when it was being upgraded to a National Park. Saadani National Park retained the boundaries of the Game Reserve meaning that the residents of Uvinje are and continue to live inside the borders.
4. According to the law that established Saadani National park, "**The National Parks Act (Cap. 282 R.E 2002)**" and that which established Saadani Game Reserve, "**The Wildlife Conservation Act (No. 5 R.E 2009)**" and G.Ns which I have mentioned earlier, it's clear that the residents of Uvinje suburb are inside the Park and stay in that area illegally. The efforts to evict those people from the Park are continuing
5. If the civil society organisations are to implement conservation agendas by engaging the Park, they must collaborate and seek approval from the Director General; Tanzania National Parks, P. O. Box 3134 ARUSHA for the permit to be issued. I advise your organization to follow the same procedure.
6. Finally, I submit

Wildlife Conservation (Game Reserves)

G.N. No. 275 (contd.)

Serial No.	Name and Boundary Description	Region, District and Size (Approximate)
12	<p>SAADANI GAME RESERVE <i>Boundaries:</i></p> <p>"Commencing from the point where the Ruvu/Mnyusi railway line crosses the Mligaji River the boundary follows the north side of the said river downstream to the Indian Ocean; thence in a southerly direction along a cleared and beaconsed line for approximately eight kilometres to a beacon situated about half a kilometre north of Saadani Village; thence following a cleared and beaconsed line, leaving Saadani village and Marumbi salt-works to the east, in a south-easterly direction to the point where the Wami River enters the sea; thence following the said river upstream for approximately two kilometre to a beacon on the north bank; thence in a northerly direction along a cleared and beaconsed line for about two kilometres to a beacon north-east of the Kisauke Sisal Factory; thence in a westerly direction along a cleared and beaconsed line, leaving the Kisauke Sisal Factory to the south, to a beacon on the Kisauke/Wami Station road; thence along a cleared and beaconsed line, leaving Maguke Village to the south, to another beacon on the Kisauke/Wami Station road; thence following the said road in a generally westerly direction to a beacon where the road swings south; thence west-wards to the Ruvu/Mnyusi railway line; thence following the said railway line due north to the point of commencement."</p>	<p>Coast—Bigamoyo District. 300 sq. k.m.</p>

Boundary description of the original Saadani Game Reserve

Below is an updated description of the original Saadani Game Reserve Boundary that was gazetted by Parliament. For easier reference, the points described below were allocated letters from A to L. These points were visited on the ground and agreed to in writing by a team comprising representatives of the Saadani Game Reserve, the Bagamoyo District and the villages around the reserve. To follow this boundary description, refer to Map 2 and Table 1 where the points are illustrated and their UTM coordinates presented.

Boundary Description for Saadani Game Reserve

In accordance with the Wildlife Act of 1974

Commencing at the point where the Ruvu / Mnyusi railway line crosses the Mligaji River (Point A: 467480; 9432468), the boundary follows the northern bank of the Mligaji River to where the river enters the Indian Ocean (Point B: 477755; 9340089).

From the mouth of the Mligaji River, the boundary extends in a southerly direction (along the coast) for 8 km to a prominent Mvinje tree on the beach (Point C: 475691; 9332423), which is south of the reserve resthouse and current location of a tourist camp.

From the Mvinje tree the boundary comes inland westwards for 0.5 km to the road at the point of the pumping station of the Saadani Game Reserve (Point D: 475189; 9332373)

From the road at the pump station, the boundary extends southwards leaving Saadani Village and Marumbi Saltworks to the East until reaching Point E (475710; 9326684).

From Point E at Marumbi, the boundary extends to where the Wami River enters the sea at Porokanya (Point F: 479605; 9324242).

The boundary then follows the Wami River upstream to Chamanyani (Point G: 479270; 9322239), which is 2 km from where the river enters the sea.

From Chamanyani, the boundary follows a southwesterly direction for 4.1 km to Msakangato (Point H: 476920; 9318972) and then turns to take a diversion around the old Kisauke sisal estate. This gives rise to three points I, J and K (Point I: 474954; 9319230), (Point J: 471860; 9317171) and (Point K: 471915; 9316035) passing through Maguko and Mtoa Ngoma. From Mtoa Ngoma the boundary extends westwards to Tengwe on the railway line (Point L: 467857; 9315303). From Tengwe the boundary follows the railway line in a northerly direction to the point of commencement (Point A).

Declaration of Saadani National Park

GOVERNMENT NOTICE No. 281 published on 16/9/2005

THE NATIONAL PARKS ACT

(CAP.)

PROCLAMATION

Under section 3

DECLARATION OF SAADANI NATIONAL PARK

In exercise of the powers conferred upon me by section 3 of the National Parks Act, 1959, and with the consent of the National Assembly Resolution passed on Fifth day of November, 2004, I BENJAMINI WILLIAM MKAPA, President of the United Republic of Tanzania, do hereby declare the area of land described in the Schedule hereto to be a National Park for the purpose of the said Act.

SCHEDULE

Boundaries:

All that piece of land in Bagamoyo District (Coastal Region) and Handeni and Pangani Districts (Tanga Region) as shown edged in Red in the registered plan No..... deposited with Commissioner of Surveys in Dar es Salaam and more particularly defined as follows:

Commencing at beacon 1 [467,930 E, 9,315,306 N] on the Western side on the railway line and some four kilometres from Matipwili Railway Station, the boundary follows a west direction crossing the railway line to beacon 2 [467,741 E, 9,315,261 N]. The boundary then takes a Southwest direction to beacon 3 [465,276 E, 9,312,640 N]. From here, the boundary takes a Westerly direction to beacon 4 [463,070 E, 9,312,486 N] and thereafter assuming a Northeast direction to beacon 7 [463,632 E, 9,316,006 N]. The boundary then takes a southwest direction to beacon 9 [462,820 E, 9,315,288 N], then a Northwest direction to beacon 31 [452,450 E, 9,319,270 N]. From here, it takes a Northeast direction to beacon 36 [452,952 E, 9,323,661 N], then taking an Easterly direction to beacon 38 [454,718 E, 9,323,072 N] and thereafter proceeding in a Northeast direction to beacon 49 [460,166 E, 9,329,318 N] at Mbwewe / Mkange / Saadan junction. From here, the boundary takes a Northwest direction to beacon 61 [456,980 E, 9,330,598 N], then taking a Northeast direction to beacon 72 [461,640 E, 9,341,662 N] before assuming a Westerly direction to beacon 83 [456,279 E, 9,346,071 N]. From here, it takes a Northerly direction to beacon 87 [460,051 E, 9,344,574 N], then a Southeast direction to beacon 96 [462,227 E, 9,350,561 N] and then an easterly direction to beacon 101

Declaration of Saadani National Park

G. N. No. 281 (contd.)

[463,453 E, 9,351,067 N]. It then follows a northeast direction to beacon 127 [467,307 E, 9,359,593 N] and then a northwest direction to beacon 132 [466,538 E, 9,365,234 N] before assuming a slight northeast direction to beacon 133 [466,961 E, 9,376,291 N] that is the most northern point of the National Park. From here, it assumes straight South direction to beacon 142 [481,935 E, 9,361,728 N]. The boundary then takes a Westerly direction to beacon 151 [474,475 E, 9,361,609 N], then a Southerly direction to beacon 157 [474,406 E, 9,358,508 N] some 160 metres before joining Sima River. The boundary then follows River Sima in a southeast direction to beacon 186 [475,468 E, 9,354,887 N] and proceeds in an easterly direction to beacon 238 [480,432 E, 9,354,026 N] where Sima River enters the Indian Ocean. From here, the boundary takes an Easterly direction in the Indian Ocean to beacon 239 [490,000 E, 9,350,000 N], then a Southerly direction to beacon 240 [490,000 E, 9,355,000 N] and then a Westerly direction to beacon 241 [480,170 E, 9,348,328 N] on the shores of the Indian Ocean where Kama Rivers enters the ocean. In this manner, the turtle breeding area, between Rivers Kama and Sima, is included in the National Park. The boundary further takes a Westerly direction to beacon 249 [477,666 E, 9,350,315 N], before assuming a southerly direction to beacon 262 [477,788 E, 9,340,039 N] on the shores of the Indian Ocean. The boundary then follows the coastline in a Southerly direction to beacon 275 [475,623 E, 9,332,811 N]. Leaving Saadan Village outside the National Park, the boundary takes a slight Southwest direction to beacon 277 [474,020 E, 9,331,825 N], then a Southeast direction passing through Coastal Salt Works to beacon 308 [479,478 E, 9,324,279 N] on the shores of the Indian Ocean. It then follows the shoreline to beacon 371 [484,630 E, 9,316,859 N], South of Ras Utindwe. From here, the boundary takes a Westerly direction to beacon 379 [483,315 E, 9,316,716 N], then a southwest direction to beacon 380 [481,807 E, 9,315,830 N] before assuming a southerly direction to beacon 382 [481,849 E, 9,310,573 N] before taking a southeast direction to beacon 383 [483,732 E, 9,309,943 N]. The boundary then follows the coastline in south direction to beacon 384 [483,357 E, 9,306,524 N] and then follows a westerly direction to beacon 383 [483,732 E, 9,309,943 N]. The boundary then follows the coastline in south direction to beacon 384 [483,357 E, 9,306,524 N] and then follows a westerly direction to beacon 385 [477,310 E, 9,306,548 N] meeting the road from Bagamoyo to Saadan Village. From here, the boundary assumes a northwest direction to beacon 386 [471,500 E, 9,311,350 N] on the edge of Wami River. The boundary then takes a northeast direction to beacon 387 [472,045 E, 9,313,719] close to Twangoma Village. From here, the boundary takes a northwest direction to the starting point at beacon 1 [467,930 E, 9,315,306 N]. See appendix for complete list of coordinates.



Given under my hand and the Public Seal at Dar es Salaam this 18th day of July, 2005.

BENJAMIN W. MKAPA,
President

6H



The 'landgrab' – the risks, the consequences, the way forward

Fiona Darroch, Director of Protimos

1. An Overview

1.1 Context

The role which 'advocacy'¹ plays in the diaspora of policy change and awareness cannot be overestimated, as the business of alien land acquisition in Africa gathers increasing momentum. Yet, the authors of this paper suggest that the *true health* of a functioning, democratic state is not solely measured by the economic functionality, political concerns, and policy decisions taken by the government of the day, subject as they may be to the whim of the ballot box, as well as a range of conflicting interests. That *true health* is more accurately reflected in the long term, tensile strength of the relationship between the legislature, the executive and the judiciary. Montesquieu articulated that 'power should be a check to power'²; it is necessary to 'give one power a ballast, so to speak, to put it in a position to resist another'³, or else 'there can be no liberty'⁴. Such checks provide a secure framework for the sustainability of good governance, whoever is in power. They create the conditions for genuine growth, the potential for food and job security, and the long term stability which is essential if responsible investment, underpinning a sustainable economy, and inclusive of all stakeholders, is to be achieved. The central proposition of this paper is that such checks are only achieved when full and sustained access to the legal process, through competent legal resources, is available to **all** stakeholders, not simply those with sufficient resources to pay for them. The authors present three case studies which illustrate three different instances in which use of legal process by community members has either

¹ An 'advocate' is defined by the Oxford English Dictionary as 'a person who puts a case on someone else's behalf'

² Charles de Secondat, *De l'esprit des lois*, 1748, Book XI, Chapter 4

³ Ibid, Book V, Chapter 14

⁴ Ibid, Book XI, Chapter 6

resulted, or will result in a range of benefits: these benefits, it should be noted, are not confined to the communities themselves. The authors suggest that such benefits also include improvements in the inward investment climate, arising from appreciably improved governance mechanisms, leading to increased corporate certainty, all moving towards the Holy Grail of poverty reduction.

1.2 The role of International 'human rights' law: a regional focus

Contemporary institutional mechanisms for promoting and protecting rights of individuals and communities reflect the monumental strides forward in recent decades of international law in the implementation of a post-war Human Rights agenda. These strides are reflected, with various degrees of relevance and immediacy, in the jurisprudences of the regional Human Rights Tribunals⁵, which are based largely upon the relevant regional human rights conventions derived from the original UN Declaration⁶. The UN Declaration itself focuses upon the rights of the *individual*, which has given rise to the development of a great body of declared violations of individual human rights: in general, remedies sought are declarations and damages for the individual.

With the exception of the Inter-American Court of Human Rights, Human Rights Tribunals are not generally asked to consider injunctive applications; in considering unlawful acquisitions of land, within a human rights context, urgent applications to avoid unlawful community evictions seem to have no place in the Tribunals, as such applications form part of the process of 'domestic remedy', that is, the use of the legal system in the applicant's own country. The long delays which characterise the decision-making of such Tribunals are virtually inevitable, as Tribunal applications may indeed only be made when all 'domestic' (i.e. national) remedies have been exhausted. Human Rights Tribunals can therefore rarely ensure that immediate violations can be avoided, and decades can pass before their rulings are given, decades again before they are implemented. For example, the forced removal of the Endorois peoples from their ancestral lands in the 1970s was only successfully brought to the African Commission on Human and Peoples' Rights in 2003⁷, by the Kenyan Centre for Minority Rights Development and Minority Rights Group International⁸. The ruling has yet to be implemented. The body of Human Rights Tribunal jurisprudence by its very nature

⁵ European Court of Human Rights (<http://www.echr.coe.int/Pages/home.aspx?p=home>); Inter-American Court of Human Rights (<http://www.corteidh.or.cr/index.php/en>); African Commission on Human and Peoples' Rights (<http://www.achpr.org/>)

⁶ <http://www.un.org/en/documents/udhr/>

⁷ Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya, Case 276/2003

⁸ http://www.eschr-net.org/sites/default/files/Endorois_Decision.pdf

does not produce judgments reached with the urgency which is often occasioned by a 'landgrab'.

The emergence of the UN Guiding Principles on Business and Human Rights⁹ reflects a will on the part of the international community to address the intractable challenge of producing a universally accepted framework which can address or reduce commercial abuses or disproportionate violations of human rights, which ultimately can be adjudicated in the relevant Human Rights Tribunal.

1.3 The conflation of human rights with constitutional law

The UN Declaration established the concept of 'Human Rights' – and in the wake of the individual rights which formed the original Declaration, new groups of rights have continued to emerge, many of which are beginning to find their way into the new Constitutions being written in emerging states, where lawmakers are committed to a rule of law which reflects the spirit of the UN Declaration. Community, resource and environmental rights and customary laws are beginning to attract explicit protection in these new constitutions, thus opening up opportunities for constitutional challenges within domestic litigation which offer hope to communities whose rights in these areas have been hitherto deprived of any such formal degree of recognition.

1.4 Domestic legal remedies

The domestic legal process is the route by which the unlawful acquisition of land or the illegal consequences of lawful acquisition can be challenged at a level which can produce effective remedies. Such challenges depend for their effectiveness upon a capable and robust judiciary, free of intimidation and corruption. The real challenge for communities seeking to engage in that process is to find their way to lawyers who have the capacity to mount such challenges. The authors suggest that in fact, the domestic legal process is the **only** effective bulwark against unauthorised or illegally implemented land or resource acquisition. The importance of competent accessibility to the domestic legal process cannot be underestimated. Legal action, whether settled or litigated, creates opportunities for judges to articulate the legal nature of an issue, and to determine the domestic law/regulation which applies to that issue. In each of the three case studies which follow, the role which government or their agencies have played in conflicts over land, between commercial and community interests, has been or will be, the subject of judicial attention – thus

⁹ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

demonstrating the long term tensile strength identified in the first paragraphs of this introduction.

2. Case Studies

2.1 Context

The case studies contained within this paper would each have had different outcomes for the communities concerned, had they been provided with *timely* and sustained appropriate legal support, using improved and stalwart laws, coupled with the means for each community to litigate, if all other negotiated routes to a satisfactory resolution of each issue had failed.

Access to full legal support is transformative, in strengthening community negotiations in land acquisition cases, which may then lead to the equitable resolution of disputes. A greater, longer term and more subtle benefit is the appropriate lawful validation of a community, its customs, its knowledge and its worth as a 'stakeholder' in an emerging economy.

2.2 The community perspective

This paper looks at land grabbing/acquisition from a community perspective, and in particular the communities which have occupied and used their lands for millennia. Such communities may be referred to as 'First Nations', defined by the ex-Special-Rapporteur of the UN Sub-Commission on the Promotion and Protection of Human Rights, José Martínez Cobo, as:

'those [peoples] which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural, social institutions and legal systems'¹⁰.

Such communities customarily hold an entirely different view of land and its functions, within their own cultural norms. The western based concept of land 'ownership', with a right to

¹⁰ José Martínez Cobo, *Study of the Problem of Discrimination Against Indigenous Populations*, UN Document E/CN.4/Sub.2/1986/7Add.4, Paragraph 379

exclusive occupation, is often an alien one. Dr. James Suzman, speaking in a Protimos lecture on this topic¹¹, notes that ‘there is a perception of the generosity and abundance of the lived environment’ within these First Nation communities. A concomitant of this perception is that ‘there’s no effort made towards creating a surplus’. The land is a tool with which communities should interact and enjoy, not a resource to exploit. It is a fundamental philosophy within many First Nations, that land cannot be ‘owned’, using the western sense of land ownership. Most such communities perceive the land to be its ‘mother’, where the spirits of its ancestors live, a central source of community food across the seasons and years, where hunting for and farming that food is accompanied by the cultural traditions of the community.

2.3 Land ‘ownership’ and the registration process

The western concept of ownership bases itself on a formal system of documented registration, in which land can be exclusively owned, and traded in return for money. ‘Ownership’ includes the right to evict communities from their homes, with or without compensation, or alternative places to live, which is then manifest in community evacuation, clearances of ‘squatters’, and the erection of fences around a particular space. It includes the rights to extract resources from the land, not necessarily accompanied by any obligation to compensate a community for the loss of its traditional, established uses of the land. For a community, ‘ownership’ may entail no hunting, no occupation other than by those with specific licence, no seasonal grazing for beasts. In agribusiness, sustainable land use frequently gives way to the development of biofuels, and the cultivation of cash crops in which the evicted community may have little or no economic stake. In this new and essentially tradeable legal structure, in which community rights are in general poorly observed, devastating consequences can flow for a community which is not equipped to negotiate. Such consequences may range from a full scale eviction from heritage lands to the introduction of industries which overtake community subsistence, but then vanish, leaving unusable land and an unemployed community.

A land registry accommodates simple rights of land ownership. By its nature, it cannot come close to reflecting or accommodating the range of community rights which are lost when ‘ownership’ results in the exclusion of a community from the land it has traditionally occupied. Each case study in this paper addresses a particular aspect of the loss of resource rights, such as land, water or other resources.

¹¹ https://www.youtube.com/watch?feature=player_embedded&v=YP9isEKYljs

A primary challenge, faced most acutely by such communities, is the paucity and weakness of emerging 'land registry' structures, and their inherent dislocation with existing traditional land 'registration' systems. A small, local group of communities will invariably have a full and detailed understanding of their own community land use/ownership, leadership and sustainable resource management, stretching back over the community's memory. Such notions and titles, collectively understood and communicated orally across families and across generations, simply cannot be accommodated by a one-dimensional western land registration system. Senior community leaders may have had no reason to learn to write, and even less reason to familiarise themselves with the western notion of land ownership, and the use of resources which lie on or beneath the land. Such unfamiliarity leaves communities which use solely *oral* traditions to record their land use and traditions/rights, and history, at a profound and unfair disadvantage. Competing land uses, where the activities of the conservationist, the pastoralist and the small farmer can be easily accommodated by a complex set of local, oral traditions, are not easy to record in a western dimension.

In each of the following case studies, the impact of community legal empowerment is demonstrably vital as a means of bringing order and equitable resolution to disputes, whether they are latent or explicit.

3. A Case Study: The Tana Delta

3.1 The issues

In the Tana Delta, there have already been many years of conflict, negotiation and more recently, litigation in the Kenyan High Court.¹² The case was brought by members of the Tana community, raising a number of issues of concern over the uses to which land in the Delta were to be put, in *Abdalla Rhova Hiribae v The Hon. Attorney General*. The Tana Delta is a highly sensitive environment, recently designated as a Ramsar site,¹³ with a wide range of stakeholders nevertheless seeking commercial benefit for their investors, often in confusion and conflict with communities inhabiting the Delta, whose own goals are more directly entwined with their own sustainability. These conflicts reflect each stakeholder's competing sets of priorities, and make a powerful argument for the continuing need for informed and legally embedded stakeholder engagement across a level playing field.



Figure 1: Land Use Planning Area Map
(http://www.rspb.org.uk/Images/lupframework2012_tcm9-349108.pdf)

In regions where indigenous communities have lived sustainably on this land for generations, new political structures have unfolded around them which are, at least in part, driven by the 'Resource Curse'¹⁴. The contrast between the laws passed by the transient political masters of a nation, and the customs and perspectives developed by communities over many generations, are giving rise to disputes, and even clashes, which can be agonizing. Tensions in the Tana River Delta in Kenya highlight how such clashes can cost the lives and livelihoods of thousands of members of established, indigenous local communities. From a land use perspective, the Tana Delta is profoundly significant, as community land rights are now formally established by the

¹² *Abdalla Rhova Hiribae v The Hon. Attorney General* (Civil Case Number 14 of 2010)

¹³ Designated 7/9/12

¹⁴ Sachs and Warner observe that 'economies with abundant natural resources have tended to grow less rapidly than natural-resource-scarce economies' (*Natural Resource Abundance and Economic Growth*, 1995)

new Kenyan Constitution, yet major hurdles remain if the aspirations of the constitution are to find their reflection in the lives of Tana Delta citizens.

The River Tana is Kenya's longest river. The Tana Delta is rich in biodiversity and also home to tens of thousands of human inhabitants. Climate change is already damaging the environment; in 2007, the Tana River changed its course, affected by soil erosion and a dramatic decrease in the river's water feeds.¹⁵ Rainfall has decreased alarmingly. Several communities downstream have already been negatively affected by the shift, as access to river water for irrigation and fishing becomes less feasible. As the river bed continues to dry, communities face a battle to secure the water necessary even for domestic use. Tana Delta wetlands are drying up at a rapid rate, with disastrous ramifications for local ecosystems and the pastoralists who depend on them. This has already provoked deep and destructive conflict: in August 2012 over 50 people were killed when pastoralists clashed with farmers.¹⁶

The population of the Tana River Basin is around 5.7 million, with the population in the Tana River Delta itself 87,201¹⁷, as of 2010, which includes pastoralist communities in addition to members of the Wardei and Orma tribes. Currently, aside from the emerging environmental difficulties, these communities face an even more immediate man-made threat. Their own land tenure system is recorded only at community level, and is therefore open to exploitation by interested, profit-driven external parties. The Kenyan government is attempting to develop tourism in the region with several corporate partners, but more significantly other private interests are proposing to turn extensive plots of land in the Tana Delta into sugar and, at one stage, biofuel in *Jatropha* plantations. According to Nature Kenya, 'more than 25,000 people living in 30 villages stand to be evicted from their ancestral land'.¹⁸

For instance, Bedford Biofuels Inc. intended to purchase 90,000 hectares of Delta land in order to grow *Jatropha* (*Jatropha curcas*) for biofuel. Amid procedural controversy, the company was granted a licence by the Kenyan Government to plant *Jatropha* in a 10,000 hectare project, which was considered merely a 'pilot'. Bedford Biofuels attempted to enact 45 year lease agreements on the land in question, a legal construction that, needless to say, was not consonant with the local communities' own use of the land around them.¹⁹ The company made some attempts to consult, and it subsequently maintained that it had

¹⁵ Geoffrey M. Riungu, *Indigenous Communities in Face of Climate Change, The Case of Tana Delta, Kenya*, Centre for Environmental Stewardship, p. 1

¹⁶ *Tana River Delta Strategic Environmental Assessment Scoping Report 2012*, Kenyan Ministry of Lands, 2012, p. 2

¹⁷ *Conservation Master Plan and Action Plan for Tana River Delta*, Nature Kenya, 2010, p. 33

¹⁸ *Tana River Delta Advocacy Strategy*, Nature Kenya, 2010, p. 2

¹⁹ *Ibid*

extracted the consent of local communities, despite the questionable science upon which commercialized jatropha cultivation was based.²⁰ The experiment has failed, however, and Bedford Biofuels has now folded its tent and left.

Moreover, the Mumias Sugar Company, in a joint proposal with the Tana and Athi River Development Authority (TARDA), proposed to use 20,000 hectares of the Tana Delta for growing sugarcane. The Government has already set aside 40,000 hectares of land in the Delta for these private interests to grow sugarcane, maize and rice.²¹ According to Nature Kenya, the water extracted from the Delta for this project will represent 'a third of the Tana River water during the dry season'.²²

These projects represent only a sample of all the proposed projects for the region. In total, Nature Kenya estimates that all projects together would cover about 200,000 hectares of land in the Delta, which will 'irreversibly change' the landscape, to the detriment of both wildlife and local communities.²³ In a wide-ranging and comprehensive judgment in the Hiribae case, Lady Justice Mumbi Ngugi remarked that 'since there is a scramble for the Tana Delta, the local people are likely to lose their right to the land on which they have lived and resources on which they have relied for time immemorial, particularly because there is no control over the land allocation and no central decision making and management'. In her determination, she concluded that the relevant legislation required 'not only that the initial plans for any project take into account the needs and views of the communities,... but also that the projects are monitored from time to time to ensure that their implementation does not injure the interests of the communities or the environment'²⁴. This, she held, was an obligation plainly breached.

Whilst the physical landscape of the Tana Delta is still under threat, the legal landscape for local communities has changed in the last few years. The new Kenyan Constitution²⁵ clearly articulates the concept of community-owned land, thus providing a constitutional platform from which communities can begin to assert their legal relationships with the land of their ancestors under customary law. This is a profoundly significant constitutional development, as this kind of land tenure has hitherto not been formally recognized in law.

²⁰ Duvail, Médard and Paul state that 'The very design of these projects is based on the manipulation of the fantasy of a pristine and uninhabited land' (*Les communautés locales face aux grands projets d'aménagement des zones humides côtières en Afrique de l'Est*, 2010,)

²¹ *Tana River Delta Advocacy Strategy*, Nature Kenya, 2010, p. 2 (?)

²² *Conservation Master Plan and Action Plan for Tana River Delta*, Nature Kenya, p. 32

²³ *Ibid*, p. 31

²⁴ *Abdalla Rhova Hiribae v The Hon. Attorney General* (Civil Case Number 14 of 2010)

²⁵ *The Constitution of Kenya – Revised Edition 2010*

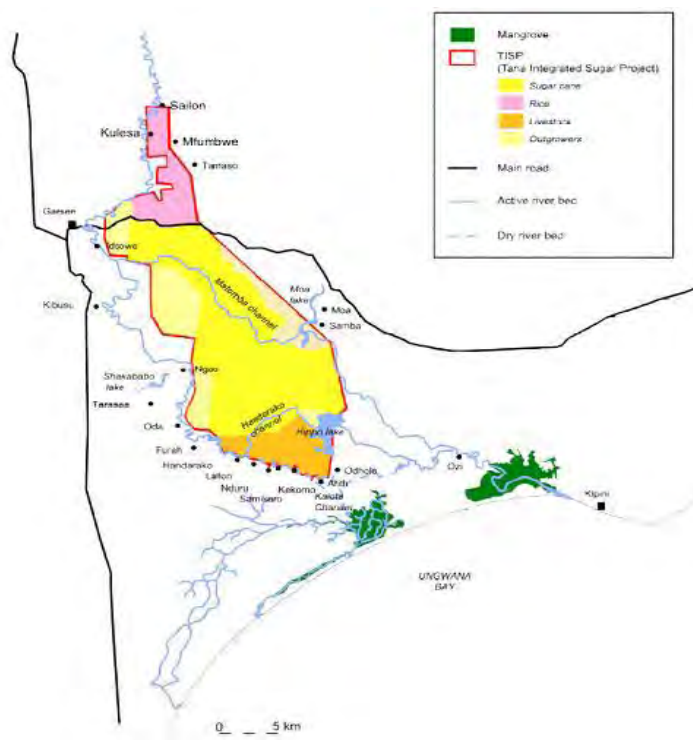


Figure 2: Crop-growing areas - sugar in yellow, rice in pink
 (<http://www.ceecec.net/case-studies/let-them-eat-sugar-life-and-livelihood-in-kenyas-tana-delta/>)

Relevant provisions of the 2010 Constitution include Article 42, which enshrines the right of every person to live in a ‘clean and healthy environment’. This includes the ‘right to have the environment protected for the benefit of present and future generations through legislative and other measures’ and to ‘have obligations relating to the environment fulfilled under Article 70’. Article 70 affirms that the court may ‘prevent, stop or discontinue any act or omission that is harmful to the environment...compel any public officer to take measures to prevent or discontinue any act or

omission that is harmful to the environment’, or ‘provide compensation for any victim of a violation of the right to a clean and healthy environment’.

Article 60 of the 2010 Constitution engages directly with issues pertaining to land rights. It states that land is to be held, used and managed in a manner that is ‘equitable, efficient, productive and sustainable’, whilst explicitly invoking the following principles: equitable access to land, security of land rights, sustainable and productive management of land resources, transparent and cost effective administration of land, sound conservation and protection of ecologically sensitive areas, elimination of gender discrimination and encouragement of communities to settle land disputes through recognised local community initiatives consistent with the Constitution.

With the adoption of the new Constitution, the commencement and success of the Hiribae litigation, and the international recognition emanating from Ramsar designation, the communities in the Tana Delta have been enabled, with the assistance of ‘development lawyers’ and vibrant Civil Society Organisations, to engage fully with the consultative processes and legal mechanisms which are essential to the sustainable management of the region. The central truth is that appropriate legal representation for their respective interests

is an essential pre-requisite for the Delta communities to benefit from these developments, and to assert their legal rights. These rights are, in practice, given little traction in negotiations with powerful and resourceful private interests, whose commercial priorities reflect very little concern for the communities who already occupy the local land. Yet, thanks to recent progress, an environment has been generated in which a real dialogue between all parties has borne fruit, in the form of a Land Use Plan (LUP).

3.2 A new structure for land use in the Delta

The Kenyan Ministry of Lands, together with a wide range of consultees, and full consultation with the Tana communities, has developed an LUP, due for publication later in 2014. The Ministry admitted in 2012 that ‘currently, there is no framework upon which decisions on land use within the Delta are based’.²⁶ The new draft LUP contains a comprehensive survey of the range of alternatives and options for uses to which the land can be put, offering a coordinated framework which engages all stakeholders in an ordered fashion. This is a seminal moment in Kenyan land use, with a great opportunity to ensure that community-based land rights are woven into the mosaic of legal and political developments in the new constitutional approach to land use in Tana. A concern must be this: Vermeulen and Cotula argue that where governments state concern for the protection of land rights, as in the Kenyan Constitution, this action is not necessarily cynical. However, even where governments are genuinely concerned with community rights, ‘when tested within real negotiations, government agencies invariably align with investors rather than the local land users.’²⁷ If communities in the Delta continue to be enabled to speak with an authoritative and resounding voice, reflecting their own constitutional rights within any relevant dialogues, in the implementation of the LUP, then the benefits of such equality of arms, and equitable resolution of disputes, reach beyond the Delta itself.

Provisions in the Kenyan Constitution allow for community land to be held on trust by local county councils. Unfortunately, in many cases the councils, acting as trustees, have disposed of the land ‘irregularly and illegally’.²⁸ The Tana River Delta itself is held under the Trust Land Act, which has historically been used as a platform for abuse.²⁹ In recent years, there has been a complex history of failures to consult local communities, land misappropriation, loss of livelihoods with no compensation and wholesale, unplanned evictions

²⁶ *Tana River Delta Strategic Environmental Assessment Scoping Report 2012*, Kenyan Ministry of Lands, 2012, p. 3

²⁷ Sonja Vermeulen & Lorenzo Cotula, *Over the heads of local people: consultation, consent and recompense in large-scale land deals for biofuels projects in Africa*, 2010, p. 25

²⁸ Vermeulen & Cotula, p. 21

²⁹ *Conservation Master Plan and Action Plan for Tana River Delta*, Nature Kenya, p. 33

of local communities. Many have observed how, historically, the relevant state authorities had repeatedly failed to co-ordinate a legally sound, and inclusive approach to managing the Delta. The new LUP now addresses that gap, in a comprehensive way.

The LUP is based on sound science, informed by a Strategic Environment Assessment and extensive consultation. It is a negotiated and agreed policy document, which, once adopted, will guide future development in the Delta. All 106 villages were consulted. A Tana Planning Advisory Committee was established with representatives from the communities, which has been involved in all steps of the development of the documents.

It aims to guide public and private investments and contribute to reduced tensions and conflict over land and water resources. To support the long-term future of the Delta and its people, the major issues which have to be addressed include:

- water resources: the amount of water flowing into the Delta is unlikely to increase and the demands are growing very rapidly;
- climate change: the sea level is projected to rise which could reduce the area available for agriculture in the lower floodplain;
- external investment: If managed sustainably it could provide opportunities but if not it could lead to the destruction of the Delta; and
- weak institutional governance: Currently sectors are operating in an un-coordinated way. Local communities have not been included in decision-making processes particularly the allocation of land by government to large-scale development proposals.

The LUP presents three options: 1) 'business as usual'; 2) commercial and industrial development; and, 3) a hybrid model. If 'business as usual' were to occur, i.e. continued development of traditional livelihoods, then according to the projections the number of cattle are set to increase from 220,000 to 645,000, which to sustain would require a grazing area 1.5 – 5 times the size of the Delta. If commercial and industrial development were to occur, then the amount of land needed for crop farming, mainly rice and sugar cane, would double, resulting in a very large and unsustainable increase in demand for water.

The authors understand that the **hybrid** option has been selected as it is an optimal mix of the other two scenarios. It emphasises the need to balance agriculture and livestock rearing with both uses being restricted to 65,000 hectares each. The balance of 95,000 hectares would be retained to serve all other uses including urban development and primary nature

conservation zones like riverine forests, forests, mangrove and the coastal dunes and beaches.

3.3 Consent – Free, Prior, Informed – (‘FPIC’)

Development lawyers will be familiar with the requirement for agreement to be reached on the basis that a community’s consent is ‘**free, prior and informed**’³⁰. For consent to be genuine, (and therefore capable of being withheld), a community must be ‘**informed**’ - **before** any proposed transaction has been made, in order to be fully aware of what they stand to gain or lose in any transaction with an external party. This concept is found in the lending conditions of an increasing number of financial institutions, such as the African Development Bank, and the European Bank for Reconstruction and Development. It is in stark contrast with the veneer of unqualified consent, (which is regularly described as consultation), obtained from unrepresented communities who have to interact with well resourced and determined commercial actors, who have no interest in ensuring ‘equality of arms’ during negotiations. The emerging commercial trend is that mere consultation is no longer sufficient; not only does it involve dealing, superficially, with a small number of community members³¹, but Vermeulen and Cotula also note that whilst ‘[c]onsultation provides greater voice for affected people within the process, (it) does not confer any authority to veto or shape the terms of the investment - it is far short of consent’³². ‘Free, Prior and Informed Consent’ is an emerging legal tool for confronting and terminating the spectre of land grabs, across Africa and beyond.

As the framework of the LUP is implemented, the Tana Delta will provide unique opportunities for the application of ‘Free, Prior and Informed Consent’ in the observation of land and resource rights in the region. It also provides opportunities to ensure that usurpation of the valuable resource rights which frequently lie behind a land grab can be avoided.

³⁰ This first appears in UN’s Convention on Biological Diversity 1992, Article 15(5). Article 7 of the ILO’s Convention 169 defines this as the right to ‘decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control over their economic, social and cultural development’.

³¹ Sonja Vermeulen & Lorenzo Cotula, *Op. cit.*, p. 17

³² *Ibid*, p. 15

4. A Case Study: The Lesotho Highlands Water Project

4.1 The issues

The Lesotho Highlands Water Project (LHWP) concerns a different part of the land-grab continuum. A World Bank-sponsored, joint development project undertaken by the governments of South Africa and Lesotho, LHWP is Africa's largest civil engineering project. It involves the construction of 5 dams, over 30 years, in Lesotho's Maluti Highlands, transferring water to the industrial and mining hubs of the Gauteng Province in South Africa. The benefits to Lesotho's economy were anticipated to be profound: increased revenue from the sale of water to South Africa; new hydroelectric capabilities, leading to unprecedented energy independence; and extensive improvements to transport and communications infrastructure. Phase 1A, the construction of the Katse Dam, was completed in 1998; Phase 1B, the construction of the Mohale Dam and a transfer tunnel between it and the Katse Reservoir, was completed in 2002. The Mashai and Tsoelike Dams, Phases II and III respectively, are due for completion in 2020.

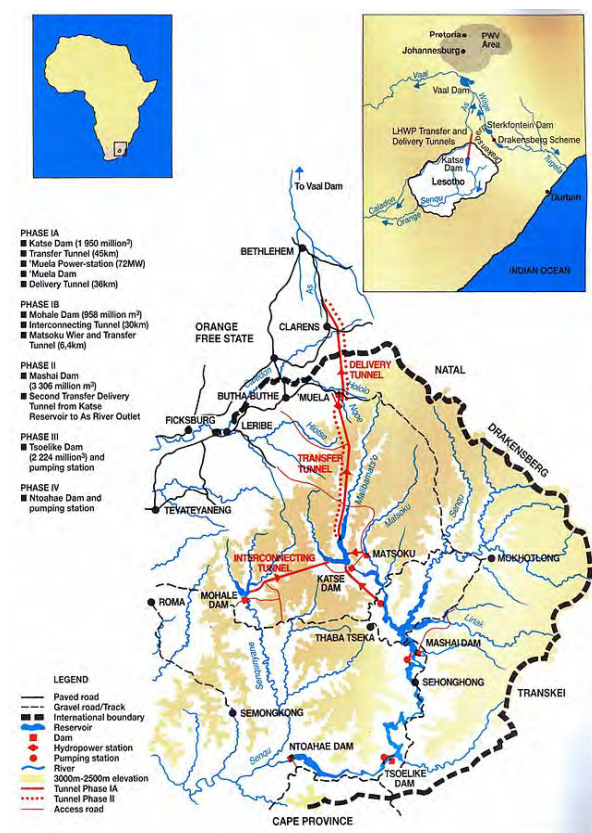


Figure 3: Overview of entire project
(http://en.wikipedia.org/wiki/Lesotho_Highlands_Water_Project)

Following The World Bank's Feasibility Study into LHWP in 1986, two important developments arose. The first was the recognition that a new, semi-autonomous public body would be required to manage both the scale of the operation, and the resultant effects on communities and their resources. This led to the creation of the Lesotho Highlands Development Authority (LHDA)³³. The second was the signing of the Treaty of the Lesotho Highlands Water Project, between the governments of Lesotho and South Africa, which set forth the governance, ethics and best practice for LHWP.

³³ Devitt & Hitchcock, *Who Drives Resettlement? The Case of Lesotho's Mohale Dam*, 2010

Article 7, Paragraph 18 of the Treaty states that:

*“The Lesotho Highlands Development Authority shall effect all measures to ensure that members of local communities in the Kingdom of Lesotho, who will be affected by flooding, construction works, or other similar Project related causes, will be enabled to maintain a standard of living not inferior to that obtaining at the time of first disturbance: Provided that such Authority shall effect compensation for any loss to such member as a result of such Project related causes, not adequately met by such measures.”*³⁴

This echoes the World Bank’s Operational Policy on Involuntary Resettlement, which aims:

*“To assist the efforts of the displaced persons to improve their livelihoods and standards, or at least to restore them to pre-displacement levels”*³⁵.

Taken together, these directives created a compelling and continuing legal basis for the adequate resettlement and/or compensation of those adversely affected by LHWP.

4.2 LHWP Phase One: The Consultation Process

According to the Transformation Research Centre (TRC), a local NGO, displaced persons ‘were not consulted for Katse [LHWP Phase 1A], and only minimally so for Mohale’³⁶ [LHWP Phase 1B]. Little information is available on the consultation process adopted for Katse, which may in itself be indicative of the approach taken by the LHDA and its affiliates. The hostile and adversarial atmosphere between displacer and displacee in the embryonic stages of the Project is exemplified in the ultimatum that was provided to villagers; paraphrased, communities were presented with the following proposition: ‘if you want to resettle (meaning, to move to another area of Lesotho, as opposed to simply ‘relocating’ further up the hills in which their villages lay), then you are ‘on your own’³⁷, and can expect no compensation or assistance from the LHDA whatever’. This antagonistic approach disappeared before the Mohale dam commenced construction; the LHDA made attempts to be much more conciliatory. From the improvements and changes made during the consultation process for the Mohale dam, one can gain an insight into the consultation that had taken place during the Katse phase. However, latent problems remained, and considerable difficulties were faced throughout the consultation process for the latter dam.

³⁴ *Treaty on the Lesotho Highlands Water Project between the government of the Kingdom of Lesotho and the government of the Republic of South Africa signed at Maseru, 24 October 1986*

³⁵ <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,contentMDK:20064610~menuPK:64701637~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html>

³⁶ The Transformation Research Centre, *On the Wrong Side of Development*, 2006, p24

³⁷ Devitt & Hitchcock, *Who Drives Resettlement? The Case of Lesotho’s Mohale Dam*, 2010, p65

At Mohale, consultations began promisingly with ‘elaborate arrangements... made and new institutions... set up to facilitate ... participative operation’³⁸. Research and Development anthropologists toured around villages, often staying and working therein for up to 6 weeks. Through this, they acquired deeper understanding of the nature of the communities, their hopes and fears, their strengths and vulnerabilities. Sophisticated networks of Area Liaison Committees, Combined Area Liaison Committees and Community Liaison Assistants were established. This process was intended to inform the Authority of the apposite means of displacing these villagers, tailoring the process to their individual needs. Nevertheless, commitment to the wants and needs of villagers was shown to be a superficial bi-product of the Authority’s burning desire to complete the dam by subsequent events.



Figure 4 Overview of Phase II
 (<http://www.lhda.org.ls/phase2/projectoverview.php>)

Originally, the villagers considered the Project to be mere ‘government talk’³⁹, many considering it an impossible task, and some others even considering it a surreptitious plot to exploit the mineral wealth below the ground. However, persistent warnings emanating from anthropologists and Community Liaison Assistants helped turn this skepticism into anger. A letter was sent from a village Headman to the King, the

Prime Minister and the Chief Executive of the LHDA, unequivocally refusing to relinquish the land. No action resulted, and the LHDA ascribed the conduct to ‘agitators’ and interfering NGOs; a narrative to which they returned methodically. When workers moved onto the site two months later, the artifice of the ‘consultation’ process was evinced. The resounding ‘no’ of the villagers was ignored.

This development transformed anger into resignation and submission. Understanding that their protestations would invariably go unheard, villagers began to cooperate, through the medium of the Committees and their Liaison Assistants, and to consider to where they would like to be resettled, or relocated. At this stage, the Authority appeared to be taking its

³⁸ Ibid p63
³⁹ Ibid p79

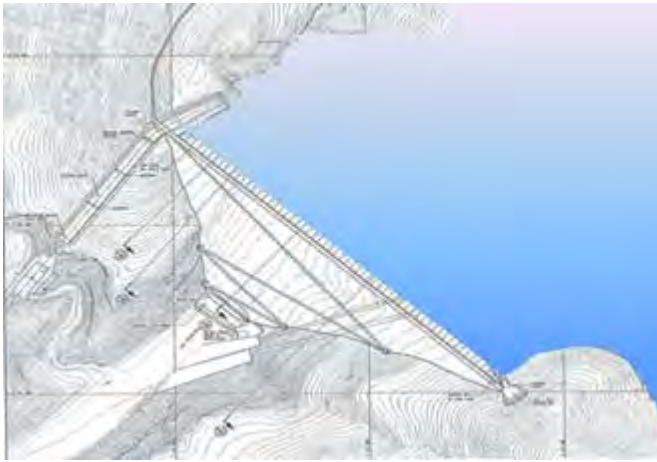


Figure 5: Polihali Dam
(<http://www.lhda.org.ls/phase2/index.php>)

when a group of families' request to be moved to cheap South African land was roundly rejected, when it had originally been accepted, on the grounds that such was 'too politically controversial' (white South African farmers were keen to sell their land post-Apartheid), the illusion that the full autonomy of the villagers was being respected was crushed.

In summary, many villagers were moved to a location and to a lifestyle that they desired, and to that extent the latter stages of the consultation period can be regarded as equitable. However, any consultation on whether or not the Project should actually take place was illusory. Further, in terms of resettlement and relocation, the choices of the villagers were only considered to the extent that they fitted into the paternalistic view of what was acceptable to the LHDA; the LHDA decisions were ostensibly validated by the anthropologists who had toured the villages early on, informing communities of 'what was best'.⁴⁰

It has been argued that the consultation process should have better anticipated such problems. Several criticisms have been leveled at the process itself, including those of insufficient resources, inexperienced consultants, government-level corruption, in addition to the charge that any consultation process that cannot prevent an event from taking place is, in effect, no consultation at all⁴¹. Most damning, however, are the allegations that LHDA deliberately misled communities in order to push through its agenda. Development lawyers working for dam-affected communities are regularly informed by clients that the communities had been promised a quality of life that could never had materialized.

⁴⁰ Devitt & Hitchcock, *Who Drives Resettlement? The Case of Lesotho's Mohale Dam*, 2010, see pp 64-83

⁴¹ Devitt & Hitchcock, *Op. cit.*

4.3 Community legal empowerment

The key legal issue in this huge infrastructure project continues to be the failure of LHDA to ensure that the living standards of displaced communities are returned to '*pre-displacement levels*', and '*a standard of living not inferior to that obtaining at the time of first disturbance*'. Simply put, the LHDA has failed to observe the law. Under both the law of Lesotho and international standards, thousands of people, in hundreds of communities remain adversely affected by LHWP, and are entitled to long overdue compensation and many other remedies.

This acquisition of land from the communities has been legitimate, through laws set out within or derived from the LHWP Treaty⁴². Legal structures are in place to compensate those adversely affected. The legal issue in this case study is this: at the heart of this *legitimized* appropriation of land, those who previously occupied the land which is now submerged under a series of dams, have now waited for many years for their legal entitlements.

Marginalized communities, such as those adversely affected by LHWP, must often be content with a 'tipping of the hat' towards justice, with no full implementation of the applicable law. Such communities are rarely in a position to protect or assert their rights to secure anything past that which is offered, by the authorities, by way of resettlement options or compensation. Moves to mitigate this widespread misery have focused on the development of 'community legal empowerment', heightening a community's awareness of its rights under law, and of legal processes in general, its bargaining hand being strengthened when negotiating with those who wish to acquire or use its land. The 'paralegal' is now a growing part of the international movement towards community legal empowerment.

In practice, this may indeed create legal awareness. However, it does not create the facility for a community to use its legal system, by taking an issue all the way to court. Such communities require *competent, culturally appropriate, local* lawyers ('development lawyers'), familiar with the nuances of their communities, their relationships with their land and resources. Those are the people who possess the professional capacity to litigate on their behalf. Such lawyers transform negotiations by ensuring that the real needs of communities are protected through the application of the law. It also ensures that organisations which fail to live up to their obligations can be held to account for their actions

⁴²<http://www.fao.org/docrep/w7414b/w7414b0w.htm>

through the courts. Community legal empowerment has to include development lawyers if access to the law is to have real meaning.

In response to these longstanding concerns, Protimos established the Seinoli Project in Maseru in 2010. By that point, LHDA had failed communities affected by Phase One LHWP in hundreds of ways, for over two decades. Houses remained unrepaired, or unheated, water supplies unrestored, and hundreds of communities had still not received the assistance, financial or otherwise, required to rebuild the sustainable ways of life they had enjoyed before LHWP.

4.4 The Seinoli Legal Centre

The Seinoli Legal Centre, a community legal empowerment project, has pursued a two-pronged strategy. In partnership with Nobulali Productions⁴³, it visited remote communities to conduct interactive workshops, which led participants through the basic principles and methodology of the legal process, including court proceedings, the importance of keeping evidence, and how to recognize and respond to acts of bribery. The Seinoli Project also nurtured the development of two local lawyers, originally housed at the Transformation Resource Centre, and now in the Seinoli Centre (the first standalone public interest litigation centre in Lesotho).

This has provided a substantial platform from which to take up the cases of those adversely affected by Phase One LHWP. With litigation a last resort, Seinoli Project lawyers have attempted to negotiate adequate compensation settlements from LHDA, but with limited success. Seinoli Project lawyers have so far issued 2 sets of court proceedings against LHDA:

(i) Mapeleng

As the Katse dam was constructed, severe damage was caused to the surrounding villages through the seismic activity that occurred. Water supply was lost, forcing local people to walk unbearably long distances each day for basic sustenance. The LHDA denied responsibility for this phenomenon since its occurrence in 1996, until it was finally forced to concede, in litigation by Seinoli lawyers in 2012. The case has created a precedent which will ensure that

⁴³ <http://www.shakexperience.com/>

all the villages so affected can now expect to have their water supplies similarly restored. Negotiations on behalf of similarly affected villages are ongoing⁴⁴.

(ii) Ha Lejone

The second set of proceedings concerns the Ha Lejone Cooperative⁴⁵. On 30th July 2012, Seinoli Project lawyers filed a suit for ZAR 1 million against LHDA, on behalf of the Cooperative. In October 2013, two weeks before the matter was due to be heard in court, LHDA adopted an unexpected legal strategy. It acknowledged its liability not only to the Ha Lejone Cooperative, but also to 65 additional cooperatives, citing them all as parties, in its application brought by way of an 'interpleader'. An instrument typically employed in insurance claims, the LHDA's interpleader asked the court to rule that the compensation, which it conceded was owing to 65 such cooperatives, should not be given directly to any of them, but rather to a government department. It sought the court's permission to share among those claimants who are *deemed* to have a fair claim to it. LHDA proposed to contribute ZAR 20 million towards the government administered fund, which would be shared among more than 100,000 members constituting the 66 cooperatives.

Counsel for the cooperative, instructed by Seinoli, argued that despite LHDA's admission of failure to pay compensation, overdue by 12 years, the proposal was insufficient on several fronts. First, the amount required to compensate the cooperatives appropriately was estimated by Seinoli Project lawyers to be nearer ZAR 6 billion. Second, LHDA proposed that the fund should be placed under the control of a government agency, which, it claimed, would be better positioned to spend it on the cooperatives' behalf. She argued that any intermediate government involvement would, at best, result in unduly politicized public spending and, at worst, be susceptible to corruption. Finally, the application for the interpleader was conceptually flawed. It assumed that the cooperatives are owed compensation for losses to the *same plot of land*. This fundamentally misconstrued the unique relationship between each cooperative and its land. Under such misconception, a case-by-case consideration would be required to uncover the idiosyncratic synergy that existed between a particular cooperative and its specific plot of land in order for compensation to reflect the quality of losses truly suffered by each. By contrast, LHDA had

⁴⁴ 'Settlement Agreement Between Lesotho Highlands Development Authority and Chief Khethang Khethang and 75 others', after 'Chief Khethang Khethang & 75 Others v. LHDA CIV/APN/623/2011'. See also 'Lesotho Highlands Development Authority v Khabang Lejone Multipurpose Cooperative Society and 87 others CCA/0009/2013'

⁴⁵ The Cooperatives are geographical groups of households, formed as local legal entities at the request of the LHDA in order to simplify and streamline the compensation process.

treated all such synergies as essentially the same, and in doing so, invited the cooperatives to compete against each other for access to the fund.

These were the arguments set out by Seinoli Project counsel in March 2013, when the interpleader application was heard. Judgment for the Cooperative was given in April 2013, and an award for costs made against the LHDA. A hearing of the Ha Lejone Cooperative's substantive application is listed for 19th November 2014.

5. A case study: Saadani Village and the Saadani National Park in Tanzania

5.1 The issues

This case study concerns a small community owned area of land in Tanzania, where battle has been joined between the Tanzania National Parks Authority ('TANAPA') and the Uvinje community. Unusually, there is a clear documented history of the ownership of the land, and at the time of submission of this paper, lawyers have been instructed by the Uvinje community, with plans for an application to the court for a determination of the issue.

Conservation interventions in the Saadani landscape on the coast of Tanzania have taken place since the mid-1960s, but it is only recently that state-managed conservation has become a growing concern among the villages adjacent to the park. Presently, at least 11 adjacent villages have disputes with the park, while no less than half on them are engaged in higher level advocacy to demand the reassessment of park boundaries. Of all

Figure 6: The Saadani National Park and Saadani Game Reserve (A. Orozco-Quintero)

of the park's 17 adjacent villages, however, it is Saadani village itself—the village after which the park was named—where the stakes are perhaps highest: two of its coastal sub-villages' lands have been unilaterally gazetted as park lands.

This study examines the spatial and institutional provisions leading to the creation of the Saadani game reserve and later the national park, and the current status of habitation by Uvinje and Saadani villagers in their own ancestral lands.

5.2 Communal Stewardship & the Saadani Game Reserve

In the 1960s, Saadani village, including its sub-village Uvinje, invited the Wildlife Division to help them to conserve the wildlife being indiscriminately killed by outsiders. A partnership emerged and Saadani Game Reserve (SGR) was officially gazetted in 1974⁴⁶ with the full support of Saadani village, which willingly gave up some of its land for the Reserve. The partnership that lasted for three decades honoured central agreements on respecting communal tenure in Saadani's inhabited lands and on the involvement of villagers in addressing the tourism potential.⁴⁷

In the late 1990's TANAPA came in to "upgrade" the Game Reserve to a national park. However, by all accounts, it seems that in doing so the agency re-drew the SGR boundaries to include the totality of Uvinje and Porokanya, two of Saadani's sub-villages, as well as part

Figure 7: The SGR based on the official 1974 reserve gazette, with 2 boundary beacons demarcating the original reserve boundary (University of Victoria 2013)

of the Saadani Village centre, in the new park. These actions were complemented by a persistent allegation, before higher level authorities, that the said coastal lands have always been part of the reserve⁴⁸. Park establishment records nowhere suggest that the original reserve boundaries would be changed, just that other areas to the North, South and West of the reserve would be added in order to create the national park.⁴⁹ Figures 6 & 7 show maps of the SGR and Saadani National Park (SNP). TANAPA's map of the SGR (created between 1998 and 2000) was then used to approve the park proposal at District⁵⁰ and higher levels. Since the early 2000s, when they became aware of TANAPA'S argument that their land has

⁴⁶ <http://en.calameo.com/read/0035385509a32f7cce6af>

⁴⁷ <http://en.calameo.com/read/0035385506bb7fc9c8ed8>

⁴⁸ <http://en.calameo.com/books/00353855021267acfd25>

⁴⁹ <http://en.calameo.com/books/0035385501dfff44eff47>

⁵⁰ <http://en.calameo.com/books/0035385500a38a3026672>

always been *within* the reserve, leaders from Uvinje⁵¹ and Saadani sent numerous communications to government at all levels,⁵² consistently reiterating that they have never been a part of the Reserve.⁵³ However, such communications seem to have been overlooked by the relevant authorities, who gave the go-ahead to gazette the lands for the park⁵⁴ using TANAPA's map of the SGR. The park was gazetted in 2005.

Figure 8: Left, the SGR 4 years before TANAPA's map of the reserve was created (Wildlife Department to the University of Dar Es Salaam 1995). Right, overlay of all maps of the SGR. TANAPA's version of the eastern boundary of SGR map sharply contrasts with the 1996 UofDar and the 2013 UofVictoria maps of the SGR.

5.3 Historical boundary analysis

Documents clearly laying out the boundaries of the game reserve and later the park are hard to come by. What is clear is that different official versions of the boundaries exist with no documentation transparently explaining when, how or why they changed. However, the SGR Map, reconstructed as part of the 2013 spatial research,⁵⁵ drawing on the gazette notice for the reserve from 1974⁵⁶ and the location of two SGR beacons demarcating part of the original reserve boundary, shows that an additional 8.3km² (comprising the totality of

⁵¹ <http://en.calameo.com/books/0035385500c30cfe82ce4>

⁵² <http://en.calameo.com/books/00353855014567c3d1774>

⁵³ <http://en.calameo.com/books/003538550b123002edda8>

⁵⁴ <http://en.calameo.com/books/00353855015e73b7268b5>

⁵⁵ <http://en.calameo.com/read/003538550a6708c22ce8f>

⁵⁶ <http://en.calameo.com/books/003538550f127bdaa07d2>

Uvinje's land) was added to the park by TANAPA. This includes a unique 5.5 km long strip of beach and access to freshwater – a rarity on the Saadani coast. Spatial analysis conducted for this research makes it clear that the SGR never included the prime coastal sub-village areas comprising Uvinje and Porokanya.

Meanwhile the other area gazetted by TANAPA (covering part of Saadani village centre and Porokanya's sub-village) is comprised of about 30km² of equally prime coastal territory. In total, of the close to 50km² which Saadani village leaders kept for habitation by coastal villagers at the time of the creation of the reserve, based on TANAPA's current map of the SNP⁵⁷, the total area comprising Saadani's coastal village lands remaining are now only 12km², and part of this is made up of areas that are seasonally flooded. These findings, moreover, are consistent with research carried out by the Institute for Resource Assessment⁵⁸ at the University of Dar Es Salaam which was commissioned by the Wildlife Division itself in 1996. The University of Dar Es Salaam research shows that the SGR only included 2.5km of beach line situated North of Saadani Village centre, between Mvave and Kijitokombe rivers. Moreover, both University of Dar and the doctoral research corroborate the accounts of Saadani village elders. Figure 8 shows the various maps of the Saadani Game Reserve⁵⁹. Poor village records, the death over time of knowledgeable village elders who were involved in establishing the game reserve, and TANAPA's creation of its own map have provided the perfect scenario for TANAPA to assert its institutional ownership of these culturally, socially, and economically important village lands.

5.4 Conservation concerns

Other spatial data, based on the 2002 TZ National census,⁶⁰ further helps the reader to understand the scope of Saadani's stewardship in addressing wildlife conservation. Such spatial data suggests that the original extent of the Saadani village was close to 300km². Of this, research shows that close to 170km² were given to the Saadani Game Reserve in the

⁵⁷ This calculation is based on one of the two maps of the park used in the SNP 2010-2020 General Management Plan. The other map of the park, also included in the plan, shows an even smaller area of land left for Saadani villagers. An equally relevant fact is that despite being created in 2005 and with the support of international conservation organizations <http://www.calameo.com/books/0035385505262253b7efc>, the official gazette of the park <http://www.calameo.com/books/0035385501ca27e72f236> is lacking both a map and a total area. It only includes various coordinate points to describe the boundaries of the park.

⁵⁸ <http://en.calameo.com/read/0035385505a4ee18080b6>

⁵⁹ The basic two differences between the SGR maps from U of Dar and the 2013 doctoral research are: (1) the exact location of the reserve's East boundary (while the U of Dar research used the road between Mkwaja village and Wami river as the boundary line, the doctoral research set the boundary based on the location of 2 original game reserve beacons (~500m to the West of the road)) and; (2) the southern portion of the reserve (U of Dar took Wami River as the southern boundary, while in the doctoral research the boundary tries to follow (approx. guesses because of the lack of landmarks) the land features included in the original gazette notice of the reserve). Overall none of them suggest there is more than 2.5km of coast line included as part of the reserve.

⁶⁰ <http://www.tzgisug.org/wp/>

1960s by village elders for the creation of the reserve. Then, in the early 2000s Saadani village leaders gave almost 100% of the rest of its inland territory, not realizing at such an early stage that TANAPA would go ahead gazetting, without their knowledge or consent, most of their coastal lands. Figure 9 provides a close view of the former territory of Saadani village and the current extent of land left by TANAPA for their habitation.

Not a single document presented to various authorities in the processes of creating the park stated the amount of land left to Saadani villagers, neither was TANAPA's map of the SGR shared at the village level. However, because of the visibly small remaining piece of village land, which was noticed by higher level authorities, TANAPA made the commitment to provide a 1.5km buffer area⁶¹ from the East border of their map of the reserve (around the Saadani village centre). This commitment has yet to be honoured.

The residents of Uvinje sub-village are now threatened by TANAPA with immediate eviction. TANAPA's current, expressed intention is to remove Uvinje and Porokanya villagers from this land.

Figure 9: Extent of Saadani's village lands before the SGR and the SNP were established, and extent of land (white) left after the creation of the SNP in 2005 (Village lands spatial layer: <http://www.tzgisug.org/wp/>)

5.5 Update

At the time of writing this paper, the Uvinje community is paralysed. Within the small area of the Saadani national park which the community historically retained for its own use, TANAPA has indicated other more mysterious claims to the land exist, for which it intends to offer compensation, together with its insistence upon the wholesale eviction of the Uvinje community from its lands. TANAPA makes the assumption that this is the appropriate legal pathway for it to take. The community, steeped in understanding and concern for conservancy, looking for its own sustainable development, is in no doubt, that by law, it is entitled to remain on its ancestral lands. So far, the community has resisted what it regards as unlawful preliminary moves to evict the community and it proposes to challenge

⁶¹ <http://en.calameo.com/books/003538550623a8933c1f3>

TANAPA's actions and proposed actions in court. At this moment, a team of competent development lawyers could not be more vital to the community and incidentally TANAPA, to enable matters to be resolved lawfully and satisfactorily. The international community and the Tanzanian government are now watching the outcome of this matter. For reasons set out in the next section of this paper, any foreign direct investor now faces the risks identified at 6.3 below.

6. The commercial justification for the rule of law relating to land tenure

6.1 The emerging trend

The 'landgrab' in Africa is, beyond everything else, a market driven phenomenon. It is beyond dispute that the continent is a powerful, global focus of those seeking to profit from the ownership of land, and the opportunities such ownership creates, to harvest a vast range of resources which lie either above, beside or beneath the land. However, at the same time, the Rights based, legal standards referred to in the earlier sections of this paper have grown to the extent that an increasing range of risks from illegal action must now be contemplated by those commercial and governmental entities which either fail or refuse to observe due process, defined according to regional and domestic law. In a recent report by the Munden Project, the authors of the report describe the danger to *investors* who choose to invest where there are overlapping land claims, which, the authors note, 'diminishes the value and viability of industrial concessions'. The land tenure risk that they describe is becoming statistically significant, across the spectrum of emerging markets. Judging the risk is now becoming harder, and insurability against the risk can no longer be assumed.⁶² The authors' report, which is the second of two, on the changing character of land tenure, examines the financial losses suffered by five resource-focused organisations across Latin America, Asia and Africa. It observes that 'companies ignoring pre-existing or customary local land rights in their acquisition process experienced financial damage ranging from operating costs increased by as much as 29 times to outright abandonment of operations'.⁶³

6.2 Corporate myopia

This paper provides an example of the latter, in which investors lost all capital in the *Jatropha* experiment, as Bedford Biofuels abandoned its operations in the Tana Delta. In Tanzania, the Uvinje community has clearly articulated the authenticity of its ownership of its own lands. Sources have informed the authors that Saadani lands are being earmarked by TANAPA, for the construction of a beach resort, and a game park, using foreign investment. However, the outcry which is mounting, as attempts are made to evict the Uvinje community, despite its ownership, is likely to cause the investors in any such project to hesitate. Investors face challenges both at home, and in their investment strategy where it includes the distant acquisition of land and resources in emerging economies. In Lesotho,

⁶² Global Capital, Local Concessions: A Data Driven Examination of Land Tenure Risk and Industrial Concessions in Emerging Market Economies: The Munden Project September 2013.

⁶³ Ibid.

many hundreds of communities are now unproductive members of the Lesotho economy, living on handouts, following state sponsored acquisition of their lands. This has created profound poverty, the very reverse of what was intended when the LHWP was first planned.

6.3 The rise in corporate risk

The Munden Project articulates the problem thus:

'Investors can be unwittingly caught up in the [*resulting*] structural tensions between customary and legal systems. In many cases, the arrival of external investment makes the situation worse by placing a price tag on customary rights, leading to conflict between local constituencies who feel that these (now objectively valuable) rights have been ignored or abrogated. For all of these reasons, conflicts with local communities manifest themselves in various ways that harm operators, [*and of course the communities themselves*]⁶⁴. The most common are:

- Domestic legal challenges which can tie an operator up in court for months or years
- Prosecution in international courts for human rights abuses
- Direct actions including the physical disruption of operations and seizing of necessary infrastructure such as roads and water sources by the dissenters
- Public censure and potential press relations disasters that can damage the operator's image and harm their ability to do business elsewhere.
- Sometimes the impact extends to the investor's reputation as well⁶⁵

6.4 Leadership from the IFC

From an investor's perspective, there are some sharp learning curves ahead on the African continent. Such curves have been anticipated, in some of the leading development financial institutions, (see above at 1.1). Those companies who choose to embrace the requirement for FPIC, as an indicator of caution, coupled with good governance, minimise their risk. The International Finance Corporation (IFC) led the global financial move towards a recalibration of land acquisition from a community perspective, in emerging economies, with the unexpected adoption of FPIC within their Performance Standards on Environmental and Social Sustainability, in January 2012. Standard 7 explicitly requires FPIC when certain circumstances set out in the Standard apply⁶⁶.

⁶⁴ Authors' note

⁶⁵ Munden Project report September 2013.

⁶⁶ International Finance Corporation Performance Standards on Environmental and Social Sustainability.

6.5 The underlying challenge

Critically, Standard 7, at paragraph 10, requires a client of IFC to 'provide sufficient time for Indigenous Peoples' decision making processes'. The authors of this paper suggest that time constitutes possibly the greatest unrecognised challenge to good governance. Its expense encourages a corporate fondness for short cuts, and unlawful acquisition. At paragraph 14, the steps the IFC client must take, to ensure that Standard 7 is reached, are lengthy and complex – costing money, and risking the withholding of consent. A corporate failure to accommodate the right processes in its community occupied land acquisition, and critically, the failure to use opportunities to engage with and invest in that community, leaves a corporation, and its investors, increasingly at risk of the consequences listed above.

7. Conclusion

The central plank of the reasoning within this paper, and its case studies, is that the systemic rule of law, and wholesale access to it, is the only effective, long term and sustainable means by which the 'landgrab' phenomenon can be effectively controlled. Accessible law offers protection for the interests of those who currently own resource/land rights, emphasized within the new wave of African constitutions. That protection is beginning to reflect in the jurisprudence which has started to flow from the rule of law. Ironically, that protection is beginning to act as a commercial counterbalance, tempering growth, to achieve the long term objectives of poverty reduction and equitable development. If this rationale is correct, then emerging economies on the African continent can contemplate, in years to come, a commercially based, and increasingly voluble respect for the rights of communities who occupy and own their land, through customary law, and/or through any of the range of statutory instruments through which land ownership is reflected. That respect is derived from the emerging counterbalance to commercial rapacity which originally found its voice in the aspirations of the international human rights movement.

Acknowledgments

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ERASING A COMMUNITY IN THE NAME OF CONSERVATION: UVINJE VILLAGE AND SAADANI NATIONAL PARK

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Once again, the Government of Tanzania's conservation agencies are attempting to expel people from their homes and land in the name of conservation. The people of the coastal fishing community of Uvinje inhabit land which the Tanzania National Parks Authority (TANAPA) claims is now part of Saadani National Park, and they are being told to leave. While this may sound all too familiar, the story of Uvinje—a small community of 21 households and a total population of only 130 people—is different in some ways from recent events in Loliondo². It is different particularly for the *way* that the planned eviction has come about: not by TANAPA following the procedures that are laid down for it to acquire land from villages for national parks—procedures that are stacked in its favour anyway—but by its taking advantage of poor record keeping to ignore the original boundaries and to create its own new map of the Game Reserve with the boundaries in a different location to ensure that Uvinje's land would be inside the new national park.

A PARTNERSHIP FOR CONSERVATION BETRAYED

In the 1960s, Saadani village, including its sub-village Uvinje, invited the Wildlife Division to help them conserve the wildlife being indiscriminately killed in their area by outsiders. A partnership emerged and Saadani Game Reserve was officially gazetted in 1974 with the full support of Saadani village, which willingly gave up more than 50% of its land for the Reserve. In the late 1990s TANAPA came in to “upgrade” the Game Reserve to a national park and a process of consultation ensued. The National Park was to be larger than the original Reserve, and additional land was added to the north, west and southern sides of the Reserve.

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² <http://www.tnrf.org/en/loliondo>; <http://www.maliasili.org/conservation-land-grabbing-and-the-case-of-loliondo/>; <http://www.iccaconsortium.org/wp-content/uploads/all-africa.pdf>; http://www.iccaconsortium.org/wp-content/uploads/guardian.com_.pdf

However, never in the course of these consultations or in the official documentation on the creation of the Park was there any mention of annexing further land from the eastern side of the Reserve which was comprised of the coastal strip of Saadani village's remaining territory. On the contrary, District authorities secured a written commitment from TANAPA to return to the village a 1.5 km long area along the Reserve's eastern boundary adjacent to the narrow strip of land comprising the [village centre](#). Not only was this commitment never honoured, but somehow the original boundaries instead shifted to include the totality of Uvinje and Porokanya, Saadani's two main coastal sub-villages, as well as part of the Saadani village centre. District and other authorities gave their approval, unaware that the original boundaries of the Reserve at Saadani village had changed. Once village leaders became aware that TANAPA had redrawn the boundaries, they sent [numerous queries and protests to higher authorities](#), all of which were ignored. Saadani National Park, with TANAPA's preferred boundaries, was gazetted by Parliament in 2005.

[Three different independent research reports](#) confirm what elders and elected leaders of Uvinje and Saadani have been claiming all along: that they have never been within the Reserve *or* the Park. Presumably, under Tanzanian law TANAPA has no authority to evict people from a national park if they are not actually *in* a national park.

EVICTIONS AND THE PUBLIC INTEREST

Another discrepancy between TANAPA's and the village's version of events relates to the number of families in Uvinje who have accepted compensation from TANAPA and the number who remain in the village. The Deputy Minister of Natural Resources and Tourism seems to have been told that [only four families have refused compensation](#). According to leaders of Uvinje and [documentary evidence](#), however, [TANAPA's most recent compensation list](#), one of at least three different compensation lists, is made up of people who do not live there, and omits everyone who does. As shown in an annex to an [open letter sent to President Kikwete by the Indigenous Peoples' and Community Conserved Territories and Areas \(ICCA\)](#), Uvinje has an adult population of sixty, none of whom seem to have any interest in leaving their homes.

[Independent research](#) has shown that the original agreement leading to the creation of Saadani Game Reserve resulted in three decades of successful collaboration for conservation. This collaboration resulted in effective partnerships to address poaching, community-based

lodging for tourists and increased grassroots awareness and engagement in conservation, as well as enabling a welcoming reception to TANAPA in the initial stages of establishing the park.

The people of Uvinje, despite not having shared in any of the benefits from conservation since the establishment of the Park, have remained stewards of their traditional lands and the wildlife through their collective disapproval of poaching, their autonomous decision to stop salt-mining, formerly their main source of income, because of its detrimental impacts on conservation, and their investment in a small eco-lodge. Yet, TANAPA has refused to allow the eco-lodge to move forward, and has instead issued its own call for Expressions of Interest for a [luxury tented camp](#) in Uvinje's territory to cater international tourism.

Tanzanian law allows for TANAPA to acquire village land when they can show that it is in the public interest. This history, however, raises the inevitable question of whether the public interest would be better served by allowing Saadani village to be meaningfully connected to conservation efforts, and residents of its Uvinje sub-village to continue living in their homes and earning their conservation-friendly livelihoods.

THE TICKING CLOCK

Precisely when it was that senior government officials became aware of the way in which TANAPA has laid claim to Uvinje's land is not clear. What is clear is that the increasing attention from Tanzanian media³ and efforts from organizations concerned with human rights have triggered a series of denials on the part of various authorities, as they assign blame for instance to "[a foreigner who makes the villagers stubborn](#)" despite the fact that the Uvinje's leaders have been [seeking redress since 2001](#).

However, now the shifting of the boundaries is [well documented](#) and has

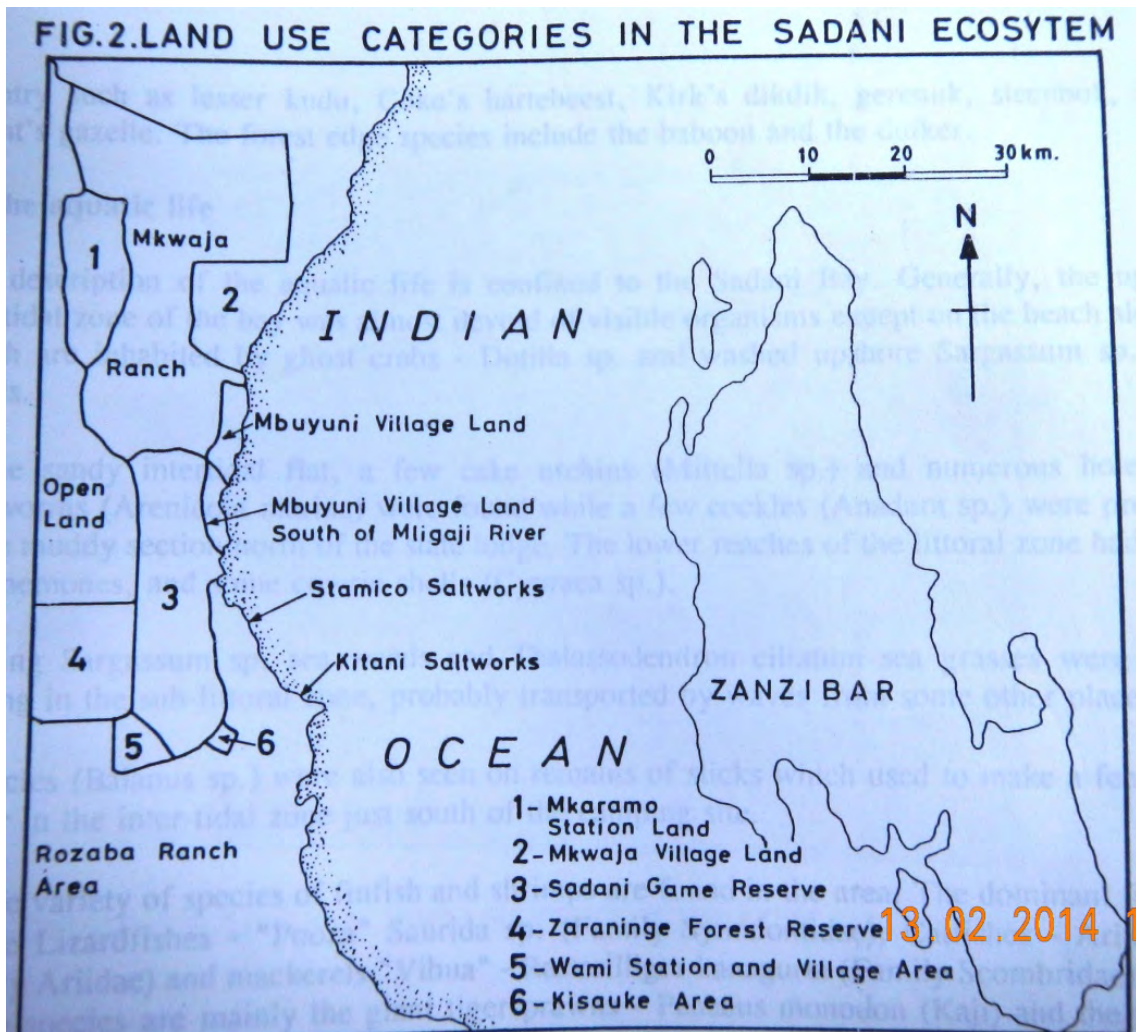
become public knowledge. Organizations such as [Minority Rights Group International](#) (MRG), a



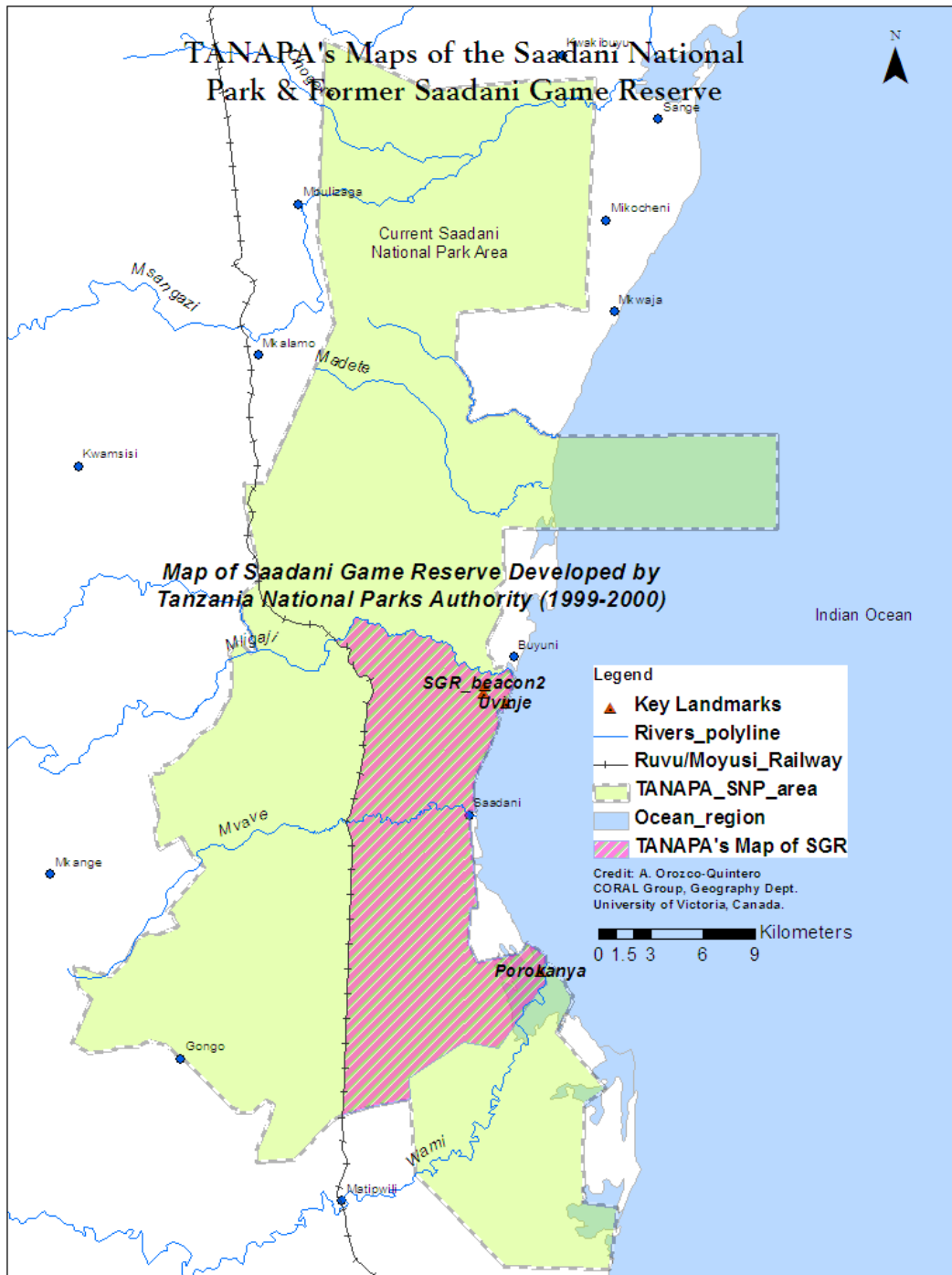
Saadani's wildlife moving freely around Saadani village center. Credit: A. Orozco-Quintero

³ [The Guardian News TZ](#); [The Citizen News](#); [Mwananchi News TZ](#) ; [The Citizen News TZ](#)

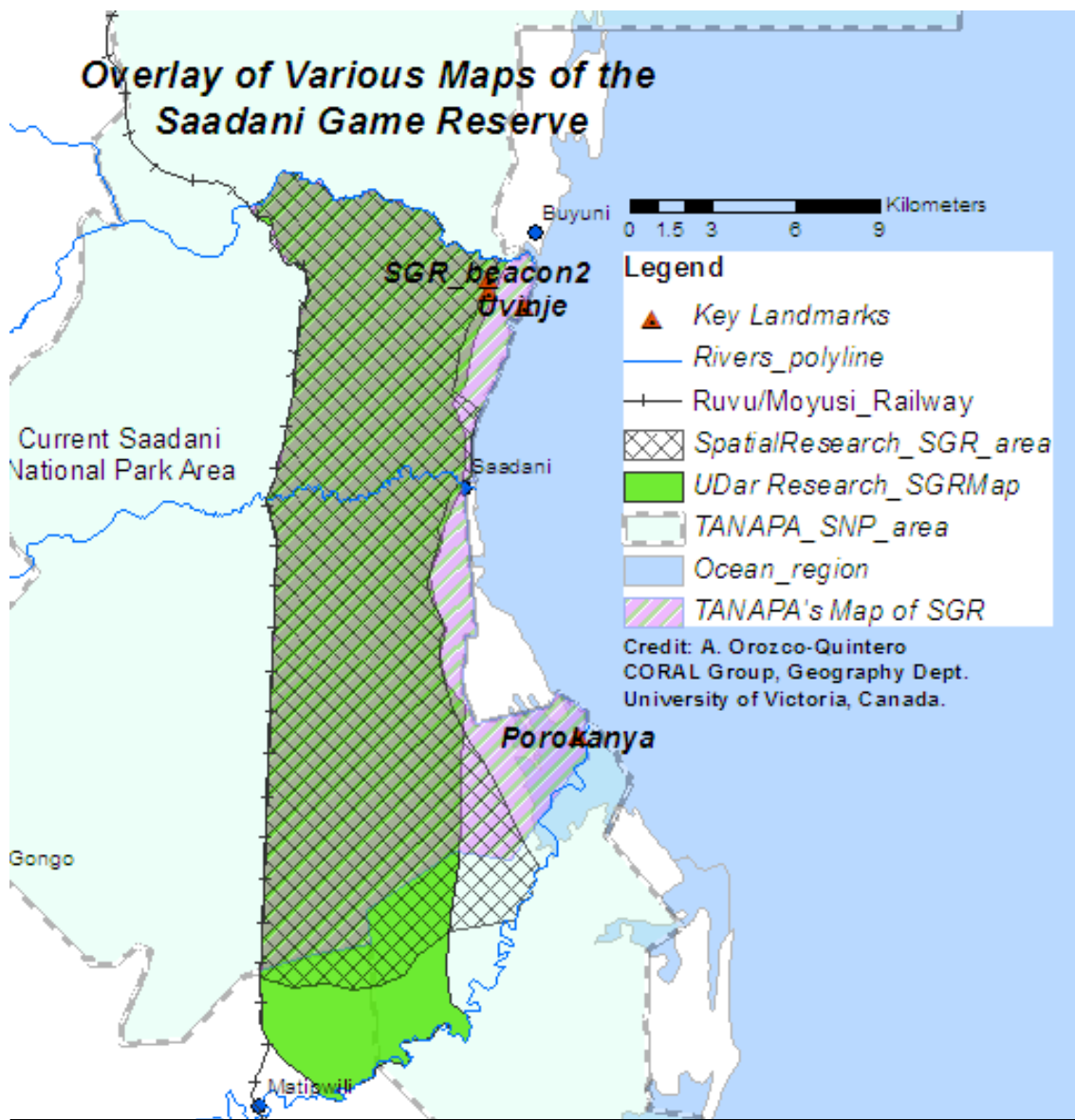
leading international human rights organization and [the Indigenous Peoples' and Community Conserved Territories and Areas \(ICCA\)](#) a consortium with members from over 50 countries see this as a question of human rights. How the Government of Tanzania now responds will reveal how President Kikwete sees the situation. The people of Uvinje see it quite simply: it is a trust betrayed, a complete disregard of their roots, identity, and stewardship of nature, and ultimately the loss of their home, the annihilation of their existence.



Oldest Saadani Game Reserve map found so far. Uvinje and its territory are mistakenly designated as “Mbuyuni Village land South of Mligaji River” territory—Buyuni village is located north of Mligaji River, and Uvinje to the south. In any case, the map is clear that the Game Reserve (no. 3 on the map) does not include the village land. The map is presumed to be the original SGR map which was presented to Uvinje and Saadani elders involved in the establishment of the reserve. Source Map: 1996 Report on Research Commissioned by the Wildlife Division to the University of Dar Es Salaam



Map of the Saadani National Park and the former Saadani Game Reserve created by TANAPA. Source layers from TANAPA's 2010-2020 Park management plan.



Overlay of various maps of the Saadani Game Reserve. The basic two differences between the SGR maps from the University of Dar es Salaam and the 2013 doctoral research are: (1) the exact location of the reserve's eastern boundary (while the U. Dar es Salaam research used the road between Mkwaja village and Wami river as the boundary line, the doctoral research set the boundary based on the location of 2 original game reserve beacons (~500m to the West of the road)) and; (2) the southern portion of the reserve (U of Dar took Wami River as the southern boundary, while in the doctoral research the boundary tries to follow the land features included in the original gazette notice of the Reserve). Neither one of the two maps developed through independent research include the coastal sub-village areas of Uvinje and Porokanya as part of the original area comprising the reserve.