



Natural Resource
Governance
Framework

REGIONAL SCOPING
REPORT

NATURAL RESOURCE GOVERNANCE FRAMEWORK CHALLENGES AND OPPORTUNITIES IN EASTERN AND SOUTHERN AFRICA

A Regional Scoping Synthesis of the Critical Natural Resource Governance Issues

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ABSTRACT

While natural resources governance is not a new concept in the region of Eastern and Southern Africa², the NRGF seeks to heighten its applicability by providing a guide for assessing and strengthening natural resources governance at multiple levels in varied contexts. This paper on key issues for NRGF in the East and South African region is a preliminary in the process of scoping in the region. It draws on available literature (grey and published).

In reference to 12 NRGF selected principles to guide its work, the paper synthesizes seven key natural resource governance challenges within the region. These include: 1) weaknesses with Inclusive Decision-Making emanating from historical and current contexts. 2) Large Scale Land Acquisitions termed as “land grabbing” that lead to anti-people investment policies and changes in tenure frameworks that disenfranchise the majority of the population. 3) A mix of Land and Resource rights due to various reforms in the region, many of which marginalise vulnerable peoples’ access to common resources. 4) Devolution/CBNRM where the major challenge is insufficient transfer of power, competition for legitimacy for local governance, bureaucratic disincentives and inadequate local content. 5) Conservation and Equitable Benefit Sharing is faced with an enduring legacy that denies access to high value resources and is worsened by dispossession by powerful economic interests that deploy conservation narratives. 6) Locally-Driven Strategic Vision and Direction for NRM is undermined by outsider driven innovations, in addition to being increasingly market-oriented. 7) Diversity of Cultures and Knowledge of the region is insufficiently recognised, explored and supported; instead there is a greater reliance on biological science and thereby excluding a majority of the population.

The paper also presents some opportunities, which include the many existing organizations, local projects, and initiatives, which NRGF can learn from, build upon or collaborate with to further develop a relevant and applicable framework for the region.

INTRODUCTION

The International Union for Conservation of Nature (IUCN), is developing a Natural Resource Governance Framework (NRGF, ref; to 2013 programme), under the leadership of the Commission on Environmental, Economic and Social Policy (CEESP). CEESP is working in close collaboration with the IUCN Secretariat, members and other partners, including those in the regions where scoping activities are being undertaken (Mesoamerica, Asia and Eastern and Southern Africa). The application of the NRGF is expected to strengthen the assessment of natural resources governance in multiple contexts and improve decision-making as well. It will be comprised of a set of core, regionally validated

values and principles that should guide the Union’s work in conservation and broader land and water use governance.

The goal of NRGF is to set standards and provide guidance for decision-makers at all levels, in order, to make better and more just decisions on the use of natural resources and the distribution of nature’s benefits. This approach needs to follow good governance principles, such that improved governance enhances the contributions of ecosystems and biodiversity to equity and sustainability.

This background study for the scoping process in East and Southern Africa is a continuation of the development of the NRGF and seeks to provide an overview of the critical issues concerning natural resource governance in the region. The study is based on NRGF scoping meetings and discussions held in the region in 2015 and 2016 and relevant literature (published and grey). The major documents reviewed included NRGF process reports, IUCN secretariat program reports on governance and scholarly literature on natural resources governance in the region.

The author synthesizes seven challenges for the region that should be included as key issues and areas of work for further NRGF action in the Eastern and Southern Africa region. They have been presented in correspondence with the identified NRGF principles. The study is a reaffirmation of the need to understand and improve governance, as the interdependence of people and nature is increasingly recognised, and as the Eastern and Southern Africa region is facing many global challenges which can result in deeply inequitable impacts.

The working definition of natural resource governance is understood as “the interactions among structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken, and how citizens or other stakeholders have their say in the management of natural resources – including biodiversity conservation (IUCN WCC-RES 3.012).”

This paper presents a synthesis of the key challenges and opportunities to effective and equitable governance of natural resources in the East and Southern Africa, drawing on available literature and work to date. This paper also highlights the relationship of these issues with the NRGF governance principles proposed for the overarching NRG Framework indicated in Table 1 below (Springer 2016). The conclusion highlights key recommendations and areas of action for the region.

NATURAL RESOURCE GOVERNANCE IN EAST AND SOUTHERN AFRICA: KEY CHALLENGES AND OPPORTUNITIES

Seven key challenges and opportunities for NRGF in the region have been synthesized and discussed in the sec-

Table 1: The principles of the NRGF Framework Considered in the Paper

Principle	Understanding
1. Inclusive decision-making	A horizontal process in which power dynamics are re-balanced and the views of groups at risk of marginalization are clearly taken into account in decisions regarding natural resource governance
2. Recognition and respect for legitimate tenure rights	Customary and collective rights contribute strongly to effective and equitable natural resource governance by enabling local stewardship of lands and resources, providing a foundation for sustainable livelihoods, and contributing to the fulfilment of human rights and cultural survival
3. Devolution	A process by which state control over the use of natural resources is gradually and increasingly shared with local communities
4. Diversity of cultures & knowledge	Complementarity of different cultures and knowledge in the management of changing realities of nature and its resources
5. Strategic Vision	Defining the desired outcomes and impacts of effective natural resource governance on people and ecosystems within set timeframes and recognising the input of various stakeholders
6. Empowerment	All actors have the capacities and support they need to contribute effectively to decision-making, claim rights, and/or meet responsibilities
7. Coordination & coherence	The need for actors involved in natural resource governance to come together around a coherent set of strategies and management practices
8. Sustainable Resources & Livelihoods	The need for a stream flow of resources or revenues as a basis for the financial sustainability of the actions required to manage and conserve natural resources as well as equitable benefit-sharing.
9. Social and environmental accountability	Effective means are in place for relevant authorities or powerful actors to be held responsible for their actions, especially, those with social and environmental impacts
10. Protection of the vulnerable	Specific attention to how natural resource governance decisions or changes could affect environments that may be particularly vulnerable and people who may be marginalized in economic, social or political terms
11. Rule of law	Both the laws themselves and their application is fair, transparent and consistent, especially as they affect youth, women, indigenous and local communities and natural resources
12. Access to justice	The ability of people to seek and obtain remedies for grievances from formal or informal judicial institutions, in accordance with human rights standards

Source: Springer 2016

tion. They include issues associated with; a) inclusive decisions making; b) large-scale land acquisitions; c) land and resource rights; d) devolution and community based natural resources management; e) conservation and equitable sharing of benefits; f) locally-driven strategic vision and direction and g) diversity of cultures and knowledge. They by no means constitute a chronological presentation in hierarchy of importance.

Inclusive decision-making

Inclusive decision-making is premised on the understanding that different stakeholders including state and non-state institutions, local communities, indigenous peoples, international institutions, men and women perceive and interact with natural resources in different yet equally valuable ways. This dynamic complexity and variation within and among different levels of actors and ecosystems requires a move away from excluding relevant knowledge bases and institutional rigidity that are common problems to natural resource management. "This requires overcoming constraints on local conservation and development that have to do with the regional, national, and international contexts and are shaped by a variety of forces, processes and instruments" (Jamart and Rhodeghier 2009). A policy environment that enables the empowerment of local communities and institutions and allows for continuous adaptation and change can resolve this.

A particular focus of the NRGF is to deliberately increase the voice and participation of youth, women, indigenous peoples and local communities in decision-making. This calls for changing the previously held narrow lenses of political, policy and programmatic processes in order to acknowledge and build on the importance of indigenous knowledge, minority views and rights, resource-dependence, and ensure that sufficient transfers of decision-making powers to local levels are promoted. Political choices and processes are central to promoting such desired changes and they cannot be addressed without making significant and durable changes in the distribution of natural resource governance processes in society.

Challenges in the Decision-making Context

The engagement and shaping of power relations lies at the core of attaining meaningful inclusive decision making in natural resources management (NRM). For most parts of Eastern and Southern Africa, this implies having to deal with structural and institutional barriers, which continue to frustrate achievement of inclusive processes and instead bear elements of competition between local, national and transnational actors and forces. Issues of lack of inclusive decision-making are reflected in the management of all ecosystems; land, forest, water/fisheries, wildlife and

rangelands. The extent of the problem will depend on the historical context of particular countries and of respective ecosystems. Nonetheless, the management of most ecosystems in East and Southern Africa was transformed from indigenous, collective management arrangements to various levels of state controlled systems during colonial and post-colonial rule and then in the 1990s they underwent reforms aimed at re-inclusion of local people in the state controlled natural resources management (Barrow et al 2009). However, despite the wide spread reforms in place, they have only been partly implemented (RFGI 2010). For example, Ribot (2004) and the RFGI working paper series,³ provides a number of case studies of the failures of decentralisation of natural resources management. They show that power transfers, accountability relations, representation and citizen engagement remain conditional or poorly institutionalized while natural resources management and administration requirements are excessive and inconsistent with community needs and aspirations. For the region, the key past and current structural and institutional barriers create underlying challenges for achieving inclusive decision making in relation to:

Protected Areas: Generally, the history of natural resources has led to a mix of governance systems with varied impacts on the rights of vulnerable people. These include Protected Areas (PAs)⁴ which are a key conservation model representing the legacy of exclusions and centralised control established during colonial rule. It remains dominant despite the various reforms towards more inclusive management, generally known as community or collaborative natural resources management (CBNRM). As discussed in the section on devolution, below, even the performance of CBNRM has had much less success than, hitherto, envisioned and this is mainly attributed to the lack of devolution of real natural resources management authority for decision-making over benefits and rights to communities (Nelson 2010; RFGI 2010). It was noted that promoters of collaborative management around PAs have confused community 'use' with inclusive community participation. Thus, many countries are still guided by the "traditional conservation approaches that set up a dichotomy of 'Core Area' and 'Buffer Zones or 'Inside/Outside' but which have not generally been successful (NRGF, 2015a). Deciding on areas of access by authorities maintains the unequal power relationship that undermines co-management around PAs. From the onset, it disregards and disrespects the communities' historical rights, knowledge and systems for managing these resources.

PAs in the region, thus, continue to face relentless conflicts especially in East Africa and, consequently, lead to biodiversity loss despite the reforms. Nelson (2010) and the RFGI studies (2015⁵) have shown that at the core of the failures of collaborative management around PAs is the power struggle between local and central level actors that is rarely effec-

tively engaged. Reforms are resisted by central level actors and associates interests due to the risk of losing their power and benefits to local communities. Further, the studies show that many times intervening agents (Aid agencies and NGOs) unknowingly perpetuate (or even exacerbate) the problem through their programs when they do not pay attention to the power relations in the contexts they operate, and the choice of institutions they work with. The challenge is more constrained by enduring institutional structures and power relations that favour the centralization of authority and weaken the rule of law (Nelson 2010, RFGI 2010).

Thus, principles of inclusive participation around PA should consider the historical contexts and the existing power relations and conditions of inequality associated with them. They should also consider how the integration and respect of community rights, knowledge, systems of resources management around PAs can be achieved. This involves considering that theories and decisions for PA management can be designed by communities from the bottom rather than the currently predominantly top-down management systems.

Customary NRM Arrangements: The second key historical context in the region involves the ecosystems outside government owned PAs that largely remained under customary ownership/management arrangements but have also been subjected to various legislations and policies, which either undermine them or compete with them. These have had a key impact on inclusive participation. Customary management cuts across, forests, water systems but is especially prevalent in the drylands ecosystems, which cover 71% of the Eastern and Southern Africa region and are home to more than 40% of the region's population (ESARO 2010). Pastoralism, the predominant culture and natural resources management system in dry lands, is considered backward by most states, and development programs such as urbanisation, sedentary agriculture, and private ranching are promoted to modernise it (FAO 2016). Most times, these have been found to undermine the various natural resources governance systems attached to the culture and the collective use systems and rights that they support, which is arguably the most secure natural resources management system for the most vulnerable.

The challenge over collective resources is accentuated by the growing power of most national states driven by a growing elite class (educated, political, private sector) gaining power over and often usurping customary authorities, yet still seeming to support them. Chomba et al (2016) shows that the land redistribution process in post-colonial Kenya was usurped by elites who maintained the colonial ranches from reverting to communal lands. This has left the majority landless and struggling to access basic resources that would, otherwise, accrue from land.

Box 1: Trans-boundary NRM Structures

Trans-boundary conservation terms like “bio-sphere reserves”, “peace parks,” have become the basis for new policy and administrative structures to manage these resources on a trans-boundary level. The challenge with this trend is that the priorities tend to be set far from communities while the scale and complexity of the new structures makes local participation even more challenging. It is a growing hindrance for local people's participation across Eastern and Southern Africa.

The trend is supported by multilateral agencies such as World Bank and international NGOs (such as the IUCN governance programs like Bridge; Kalahari program), USAID's RESILIM, LVBC programs on lake Victoria, IGAD programs, all of which are focusing on higher structures and are finding it a challenge to integrate communities.

Therefore, a key issue is how to sustain and improve customary, collective NRM systems that support the poor and marginalised given the changing NRM reforms and also achieve conservation outcomes. The contemporary context in the region is that the customary and statutory regimes overlap or contradict each other leading to a coexistence of cultural norms, colonially imposed rules, formal and informal statutory rules and religion all coming together to interfere with various rights. Most importantly, as with the case of PAs, local level customary systems compete with state machinery for legitimacy (FAO 2016). The state uses legal and scientific language to justify particular reforms, which usually undermines customary positions and makes them unable to negotiate better arrangements.

Spaces for negotiation between the government interests and traditional systems have to be made. Support to the new state-led reforms and systems needs to be influenced in such a way that security and interests of vulnerable groups are guaranteed through recognition of their rights and maintaining the majority at the centre of such decision-making. It is, however, crucial that customary authorities are not essentialised and considered homogenous. They may not be perfect; some are democratic and egalitarian, while others are not (FAO 2016).

Trans-boundary NRM: The third NRM approach that is becoming widespread in the region is the trans-boundary management of resources. The region has witnessed a trend of establishing new governance structures mainly

around marine, water ecosystems and PAs. Examples of some of the trans-boundary parks include Greater Limpopo national park traversing Mozambique, Zimbabwe and South Africa and covering 35,000 square miles; the plan is to extend it by 100,000 square miles in order to link it with two other parks in the same countries; Mara-Serengeti national park cuts across Kenya and Tanzania; Kalagadi Trans-frontier cuts across South Africa and Botswana; Mt Elgon cuts across Kenya and Uganda; and Virunga National Park cuts across Rwanda, Uganda and the Democratic republic of Congo (IUCN 2010).

There are more than 20 shared water systems by two or more countries in the region (ESARO, 2010). Trans boundary management is the main programmatic approach promoted as best for their management. As such, institutions like the Nile Basin Initiative, and the Zambezi, Orange, Okavango, Limpopo, Lake Victoria and Tanganyika basin commissions, are a growing trend.

The challenge with these trans-boundary resource management organisations is that they stretch the decision-making structures and people's participation further. Participants to regional platforms are usually composed of elites who are far removed from grassroots interests and take no consideration of the community mechanisms for collaboration across borders. Efforts to improve participation of local people in formal structures are often plagued by funding (Nakangu 2013). As a result, trans-boundary management institutions have instead become avenues for facilitating higher level interests especially private sector with limited or no regard for communities' participation because they provide them the main source of funding (Barret et al 2013).

A related issue is the establishment of "growth corridors" that have been elaborated and supported through regional economic blocks. A concern was raised at the NRGF working group meeting in South Africa (NRGF 2015b) that in the region, "these trans-boundary or regional organisations ... promote investments and related transportation of goods and services including natural resources which take precedence over other considerations such as participation."

For inclusive participation to take root, improving the effectiveness of decentralised NRM institutions needs to be promoted in all these contexts. Stakeholders could support fair and effective local forums for respectful and cooperative resource management that build on existing local knowledge and institutional systems. As highlighted by RFGI 2010, this involves recognising that local people have knowledge of natural resources management and use that can be useful in all other conservation-related priorities. Second, when local people's needs and interests are not treated respectfully and equitably catered for, they can sabotage and undermine any management priorities and strategies, thereby driving up costs and driving down intervention effectiveness

as well (RFGI 2010). For example, Kijazi (2015) and Madondo (2015) show that the failure to compromise on a democratic co-management of the resources with local communities in Tanzania and Mozambique respectively, resulted in sabotage of government or private sector interventions leading to impasse or costly responses by those with power. Democratic local leverage in decision-making can serve as tool for mobilizing their knowledge and support.

Opportunities in the Decision-making Context

Positive National & Regional Efforts: The Institute for Poverty, Land and Agrarian Studies (PLAAS) (2016) has shown that a growing number of local organisations are increasingly proving to be influential in a number of African countries, often through their role in leading community conservation initiatives and reform movements. The organisations mapped by PLAAS, the Open Society Initiative of Southern Africa (OSISA)-supported NGOs in 10 South African countries, and the East African Sustainable development network (a platform of NGOs in Kenya, Uganda and Tanzania) are important forums in the region through which more inclusive decision-making on local, regional and trans-boundary issues can be developed, validated and promoted in the region.

Additionally, many countries have established platforms of engagement between states and society over various natural resources management issues. For example the Uganda Environment and Natural Resources Working Group, The Tanzania Natural Resources Forum (TNRFF), the Mozambique and Southern African have established multi-stakeholder platforms on extractives and REDD+.

The Kilimanjaro Declaration: On 23-24 August 2016, two hundred and seventy two representatives from civil society, trade unions, women, young people, men, people living with disabilities, parliamentarians, media organisations and faith-based groups, from across Africa and the Africans in the diaspora gathered in Arusha, Tanzania and committed themselves to build a pan-African movement that recognises the rights and freedoms of local people. They launched a movement to foster an Africa-wide solidarity and unity of purpose in dealing with sustainable natural resource use and control. This platform offers a learning opportunity or entry point to assess or influence how to achieve local communities' views and interests at a transboundary level. Participants resolved that their campaign should expand space for civic and political action; fight for women's rights and freedoms across society; focus struggles on the right to equity and dignity; demand good governance as they fight corruption and impunity; and demand climate and environmental justice.

IUCN and other NGOs are Recognised Partners: Apart from IUCN Members and Partners providing a platform

through which approaches to inclusive decision-making can be developed and tested, IUCN and many other NGOs are formally recognised as important partners with many of the regional blocks (IGAD, EAC, SADC, and UNECA). These are important frameworks through which transboundary ecosystems management structures can be engaged to explore ways of establishing inclusive governance and address risks from transboundary agencies. Programs such as the 'BRIDGE' and 'SUSTAIN' could serve as important entry points. All these organisations have established natural resources programs and strategies that NRGF can work through to enhance its relevance and applicability.

Whakatane Mechanism: IUCN has piloted the Whakatane Mechanism⁶ in the region (Kenya) to aid the adoption of inclusive decision making around PAs, especially with regard to voiceless and powerless communities such as indigenous people. The platforms, partners and lessons from this mechanism provide an important entry point for NRGF.

Technical Resources for Inclusive NRM: The RFGI⁷ handbooks and FAO technical series on Voluntary Guidelines on resources Governance and Tenure (VGGT) for promoting and addressing inclusive decision making. The RFGI produced 2 practical hand books for communities and for intervening agents on how to improve and achieve effective participation. The findings therein are very relevant because they were based, in part, in the region (Kenya, Uganda, Tanzania, Southern Sudan and Mozambique), and they provide good representation of the issues and form an important basis for the application of good practices concerning inclusive NRM. The findings are, however, limited to countries that have established democratic decentralised governments and need to be tested in other contexts such as customary management of resources. RFGI has established a network of researchers in the region that could provide a good basis for exploration of the approach. The FAO (2016), VGGT guidelines are also important handbooks that are useful to implementing agencies desirous of improving inclusive participation and governance of resources. Currently they are being piloted in Malawi, Uganda and Kenya and focus is on securing customary and historical land management. The programs provide important lessons to learn from. Note that these complement the tools on governance which quantify indicators of good natural resources governance systems necessary for national and international monitoring (RFGI 2010).

Large-scale land acquisitions

The increasing interest of large agricultural investors to acquire massive tracts of land has driven the expansion of large scale land acquisitions in Africa. This phenomenon is traced from the global food crisis of 2007–2008 when large scale land acquisitions intensified due to the need to meet food

and raw material supplies in economies that have a shortage of agricultural land (Kachika, 2015). This trend is seriously threatening livelihoods of marginalised groups like small holder farmers, women and pastoralists in many rural communities. The development has generated new frictions and tensions both globally and within African societies (Borras et al. 2012). The issue of large-scale land acquisitions relates strongly to the NRGF principle on accountability, and also to tenure rights, inclusive decision-making, and livelihoods.

The push for large-scale land acquisitions has been termed as "land grabbing" because of the nature of exploration, negotiations, acquisitions or leasing, settlement and exploitation of the land resource, specifically, to attain energy and food security through export to investors' countries and other markets (Matondi et al 2015). The term 'land grabbing' has gained popularity, alongside a plethora of terms such as 'green colonization', 'new land colonization', 'climate colonization' and 'water plunder.' The significance of the phenomenon thus also needs to be seen in relation to the 'unsettled' character of the governance structures of land ownership, and to control of and access to natural resources.

Overall context and challenges related to land grabs

Large-scale land acquisition in its wider sense relates to changing access to, control, use and ownership of land and its products. It is of interest to NRGF mainly because the processes range from outright 'illegal' acquisitions, based on secretive negotiations, to rapidly concluded binding contracts that, though legal, are characterized by a strong asymmetry in power relations, by risk taking and by limited access to information, particularly among the weaker stakeholders, who are potentially most affected by the deals (Matondi et al 2015). Governments tend to play key roles in allocating this land based on investor commitments on investment levels, employment creation and infrastructure development – though these commitments tend to lack teeth in the overall structure of documented land deals (Cortula et al 2009).

Anti-people Investment Policies: Cortula et al (2009) showed that in 5 African countries studied in 2009 do not have in place legal or procedural mechanisms to protect local rights and take account of local interests, livelihoods and welfare around large scale land investments. Even in the minority of countries where legal requirements for community consultation are in place, processes to negotiate land access with communities remain unsatisfactory. Lack of transparency and checks and balances in contract negotiations creates a breeding ground for corruption and deals that do not maximise the public interest. (See Box 2)

Investment policies and provisions in many countries in the region sometimes set the agenda that results into large scale land grabbing by investors and their accomplices (see

Box 2: Key Features of Land Acquisitions

- Significant levels of activity – the quantitative inventories have documented an overall total of 2,492,684 ha of approved land allocations since 2004 in the five study countries, excluding allocations below 1000 ha;
- Rising land-based investment over the past five years, with an upward trend in both project numbers and allocated land areas in all quantitative study countries and anticipated growth in investment levels in future;
- Large-scale land claims remaining a small proportion of total suitable land in any one country, but most remaining suitable land is already under use or claim, often by local people, and pressure is growing on higher value lands (e.g., those with irrigation potential or closer to markets);
- Possible increases in the size of single acquisitions, though with considerable variation among countries – approved land allocations documented here include a 452,500 ha biofuel project in Madagascar, a 150,000 ha livestock project in Ethiopia, and a 100,000 ha irrigation project in Mali;
- Dominance of the private sector in land deals, though often with strong financial and other support from government, and significant levels of government-owned investments;
- Dominance of foreign investment, though domestic investors are also playing a major role in land acquisitions – a phenomenon that has received far less international attention so far.

Source: Cotula et al 2009

Box 3 for an example from Madagascar). In many cases evidence of social-cultural and economic harm to communities is not considered a barrier to these land acquisitions. Central government investment authorities are mandated to identify available land and provide it to investors in bio-fuels and agriculture as has been provided for in the EA around the Growth Corridors (Kaarhus 2011).

Weak Tenure Frameworks: Land grabbing has also been seen to be driven by a weak communal tenure legal framework. This is well illustrated by the Malawian government's support for large-scale agro-investments in which the key players behind land acquisitions were local elites, traditional leaders, foreign companies, international agencies, the coercive apparatus of the state – the police and army – and politicians (Zamchiya and Gausi, 2015). The land acquisition

processes studied were violent and arbitrary, with no compensation offered to the displaced communities. The way in which land was acquired resulted in the destruction of people's properties, crops and household incomes, leading to increased food insecurity and poverty among the rural poor. It is the same case in Ethiopia currently (Mousseau and Martin-Prevel 2016).⁸

State Narrative on Effective Utilisation: A common narrative is that only 15% of arable land is being effectively utilized in Africa (World Bank 2010). This narrative, however, reflects what the state chooses to recognize as 'legitimate' use. States normally do not recognize the value of subsistence use and also ignore non-subsistence use of these local resources, e.g., global markets for bush meat. It suggests that smallholder producers are not contributing to the

Box 3: States Complicit in Land Acquisitions

The case of Madagascar, which has become well known globally as "the Daewoo Affair", is, one of the most outstanding scenarios of land grabbing. This case is outstanding because the Daewoo Conglomerate of South Korea announced their acquisition of 1.3 million hectares of land, an area estimated to be one half of Madagascar's total arable land, for producing maize for an export to Daewoo's home country, South Korea (GRAIN, 2009). The deal was later revoked by a new head of state upon the ouster of the one that had negotiated it.

Ethiopia too illustrates a growing trend of land grabs. These are prevalent across the country.

Source: Cotula et al (2009)

national economy. They are choosing not to recognize other uses and ways of being. Thus, the market-based discourse only replaces the colonial legacy of imposition of exclusionary models of conservation in negating the long traditions of natural resources management in Africa. Overall, the re-definition of land rights in Africa is prioritizing market-based systems of rights. It relies on a discourse of 'efficiency' as opposed to the 'under-utilization' of resources by local communities, like pastoralist and forest communities.

A Mix of Policy & Compulsion: States usually enable and engineer the various forms of disenfranchising the local communities through policies and coercion. For example, Zimbabwe is working on biofuels partnerships and the state has decided to do this regardless of what communities demand. In Ethiopia, the Oromo struggles are challenging the state and multi-national corporations' (MNC) evictions of people to establish large scale agriculture, which is the same in Kenya around Lamu and the LAPSET Corridor (Nyanjom 2014). In Tanzania, the state promotes contract farming and out grower arrangements in growth corridor programs, which seems to secure people ownership of land but instead provides them a false impression of control because the MNCs control the inputs and prices of their outputs (Martiniello 2015). Programs that seek to mitigate risks are usually depoliticized and, thus, risk incorporating and disempowering vulnerable communities, especially where accountability systems are weak. Chomba et al (2016) shows that when communities are caught up in circumstances of weakness, they settle for less favourable conditions; this action of settling is normally construed as consent and participation.

Climate Change Role: The challenge of "grabs" is further exacerbated by pressures related to the changing climate (IUCN, 2013). The NRGF meeting to discuss issues for potential scoping within the Limpopo Basin in South Africa (2015), highlighted the looming risk of water grabs in Southern Africa where decreasing duration of rainy seasons had turned water into a real resource of competing struggles worsened by considerations of access, use, inclusion and exclusion, and the involvement of a range of competing actors (domestic and multiple commercial users especially extractive industries). It had led to licencing of many sources of water by government in concert with private sector, thereby exacerbating the insecurities of local people.

Further, the carbon market has become an important justification for grabs. For example, Lang and Byakola (2006) and Chomba et al (2016) profile carbon projects in Uganda and Kenya respectively that in effect led to denial of rights of access to forest resources. They demonstrate how historical injustices are reinforced and perpetuated by carbon projects.

Opportunities

The CAADP & FAO Guidelines: The Comprehensive Africa Agriculture Development Programme (CAADP)'s continental framework and guidelines assented to by the AU ministers of Agriculture, Land and Livestock provides a window to pursue an engagement of governments on correcting the anti-people trend and devising more sustainable agriculture investment regimes. They provide a legitimate framework for NRGF to consider evaluating and capturing lessons for improving the effectiveness of the guidelines. Similarly, the FAO-led process put in place to develop Voluntary Guidelines for Responsible Governance of Land and Other Natural Resources should be an important entry point for collaboration on principles and guidelines to engage investors and governments on making land deals that ensure sustainable development.

Mobilising Movements: A number of non-state actors are mobilising citizens' engagement of large-scale land acquisitions to counter the challenge. These actors also have a democratization imperative (democratization of resource use, rights) driven by many interests including research and mobilising peoples' contestations. These actors include the Indigenous Peoples of Africa Coordinating Committee (IPACC), LaVia Campesina, The Open Society of Southern Africa (OSISA) program, South African Resources Watch (SARW), Resource Africa, Zimbabwe Environment Lawyers Association (ZELA), the Tanganyika Declaration, the University of KwaZulu-Natal Centre for Civil Society, the Land and Equity Movement in Uganda, and the East African Landnet.

Land and resource rights

A shift has occurred over the last decade and a half with the incorporation of a human rights discourse within the global agenda on natural resources in the contexts of sustainable livelihoods, rural development, food security and devolvement of control of natural resources. Indeed, it is a considered emphasis of NRGF that the recognition and respect of legitimate tenure rights especially of indigenous peoples, local communities and women be central in the governance of natural resources. This calls for the promotion of institutional and practical arrangements and/or reforms that are transparent, participatory and context-specific so that they advance sustainable use of natural resources while at the same time being supportive of livelihoods and economic growth.

Challenges

Barrow et.al. (2015) show that much of sub-Saharan Africa has undergone various reforms, in land and natural resources management; that is, there has been a move from indigenous, community and collective tenure to state policies for

control of land and resources. Following the contestations of state rule, reforms in the 1990s aimed to formalise and secure land rights of local communities. Many countries in the region have turned management of public land to community control and have tried to integrate customary and statutory rights. However, there are still significant limitations in the recognition of customary rights, and conflicts between statutory and customary tenure systems. A common feature in many countries is the reluctance of those in authority to devolve rights over land ownership.

A Mix of Reforms: The context currently is a mix of reforms in many of the countries (Barrow et al 2015). These include reforms that recognise the community as property owners, such as in Kenya, Tanzania and Uganda, and reforms that promote replacing customary tenure with private property (e.g. northern and Eastern Uganda, Kenya, Ethiopia). However, IUCN in Kenya has noted that laws and policies which promote the individualisation of land tenure especially in areas that traditionally had common property regimes are undermining the sustainable management of vast areas. For example dry-season grazing reserves have been lost, livestock movements have been restricted, and land degradation has increased (IUCN 2013).

Other reforms in the region promote land redistribution. Take for instance the agrarian structure reforms in Zimbabwe that promote common access and control. Then there are the common property reforms in the cases of Botswana, Tanzania, and Mozambique. Botswana, which is considered most progressive, uses elected land-boards to manage community land (Barrow et al 2015). Malawi, however, has handed over the management of its land to the private sector to manage on behalf of communities. Uganda, Tanzania and Zambia recognise customary systems of land management while Ethiopia and Rwanda do not. Generally, in Southern Africa (Namibia, Zimbabwe) reforms have given primacy to access and use of resources and not ownership of land (Barrow et al 2015).

The general picture in East Africa is that most land is publicly administered compared to Southern Africa. Southern Africa has more than 50% of its public land managed by communities compared to Eastern Africa where more than 98% of public land is centrally managed (Barrow et al 2015). Most East African countries have implemented reforms that seek to formalise and secure tenure rights of various vulnerable groups. Most have turned public land to community land. For example, in Uganda, the forestry and wetlands policies encourages communities to apply for management of public resources that are not yet designated as Protected Areas.

However, Barrow et al (2015) note that tenure reforms are not enough given the pressure from the private sector. In fact, the risk is that land titling has also enabled easy

transactions of land and the transfer of communal rights to private sector. In Uganda, this is the main risk advanced against the World Bank-supported project to map and have communal lands surveyed and titled. The other risk already indicated is that customary and statutory regimes overlap or contradict leading to transformations of various rights. For example, titling of customary land enables the creation of finite rights over resources that have seasonal regulations. This has been observed in pastoral areas where regulations over access and use are seasonal. Titling land has also been flagged as a risk to both collective and generational rights because it fixes land to particular ownership (FAO 2016).

Protecting Vulnerable Groups and Common Resources:

The new state-led reforms and systems need to be codified in such a way that traditional aspects that secure interests of the vulnerable groups are retained. For example, the current widespread move in many parts of Africa to promote the titling of customary land as an important reform to secure tenure may lead many women to lose their de facto rights over resources when land transactions are easy to make (FAO 2016). Uganda has tried to mitigate this risk by instituting the requirement that married women are signatories to any land transactions. However, it remains a critical risk for polygamous families and the majority of the population which are ignorant of this requirement.

A key issue in this context is the need to negotiate between the various systems that exist and ensure reforms enable effective representation of all stakeholders. For example, the promise and potential of decentralisation reforms and advantages of customary systems can be negotiated to craft hybrid systems that draw best practices from each of them. This was the case of Botswana where collective management of the resources is now based on elected representatives rather than fixed with traditional and hierarchical chiefs. In Tanzania, the Village land Act allocates decision-making powers over village lands to the entire population in the village, through the village assembly. This enhances accountability of the leaders, which in turn enhances the chances of responsive representation.

Opportunities

Alliances to Counter Negative Trends: Opportunities lie in the legislative frameworks that are already in place to support community tenure, and need support for better implementation, and places where there are policy openings or discussions to strengthen land and resource rights. So far most communities cannot influence the agreements made between state and companies, but they can potentially create powerful alliances to counter harmful actions of the state.

Botswana, Mozambique, Uganda, Malawi, Kenya, and Tanzania offer examples of progressive land reforms which

recognized traditional lands rights and provide the opportunity for formalizing communal tenure. These are important cases for NRGF to learn lessons. Communities can go into collaboration with private sector or government to manage and benefit from their lands. The state structures support and guarantee rights of the vulnerable. In Uganda, a community can designate a community forest or wildlife area or wetlands, and the management committee must be composed of a third women representation and designation has to be approved by the district council. Ideally the district council (elected leaders) check to ensure that rights of access and use over these resources for vulnerable are unencumbered. Caution is however suggested because sometimes progressive policy may be undermined by a political reluctance to implement such as has been noted in Kenya.

Devolution⁹/CBNRM

Devolution and CBNRM are closely linked to inclusiveness in decision making. As such, much of what is discussed here may repeat issues presented in the section on Inclusive Decision-Making.

There is wide recognition that the effective and efficient governance of natural resources is greatly undermined by retention of authority of control and usage by remote and usually unaccountable central government agencies. Over the decades that such a regime of power in NRM has been existence, “the result has been extensive conflicts over rights and tenure amongst different local, national, and global resource users, as well as widespread degradation of renewable natural resources such as forests and wildlife” (Nelson 2010). This therefore highlights the importance of subsidiarity – where accountability is at the lowest appropriate level.

In response to the above scenario, there are various processes of decentralisation of NRM that characterise most of Eastern and Southern Africa. Concern has, however, been shown in the examination of “the extent to which policy and legislation devolve significant control over decision making and flows of benefits to communities; the legitimacy and power of different community institutions and their relationship with other stakeholders such as local authority structures, NGOs, donor agencies, and the private sector; and lastly, the relationship and divisions between different actors and groupings in the community” (RFGI 2015; Raik et al 2007).

In a review of decentralisation of NRM including through community-based NRM (CBNRM), Roe and Nelson (2009) concur with Ribot (2004) that devolution is “any act by which central government cedes powers to actors and institutions at lower levels in a political-administrative and territorial hierarchy.” It, thus, includes the various forms of CBNRM and their many locally-specific adaptations adopted in the region in the period between 1985 and 1995 when widespread policy reform processes heavily backed by for-

eign donors were taking place (Binot et al (2009). However, by the end of the 1990’s the political space for meaningful devolution or decentralisation of natural resources to local communities had generally waned, just as political authority has often been progressively re-centralised across much of the region since the initial reform moments of the 1990s. And so devolution merely became deconcentration as the state still holds the power but it is vested in state functionaries who are at the local level

The significance of their weaknesses notwithstanding (i.e. corruption and weak capacity, competition from projects and conflict that undermines their potential), decentralized governance systems enable the attainment of two key objectives that most programs seek to achieve (RFGI 2010). First, they enhance sustainability due to their potential to include all categories of people in decision-making. Second, they enable the achievement of results at scale given their reach and mandates. Overall, they are a structure that provide the potential to attain both collective and individual benefits from any program at scale. Nonetheless, weaknesses in their implementation have to be checked in order to achieve these results. Madondo and Jusrut(2015) show that across Africa where efforts of decentralisation have been made, outcomes were undermined by subversions of funds by representatives, elite capture, transfer of limited power over lucrative projects. The challenge for NRGF is to determine how to address these challenges. The RFGI handbooks provide a good basis and lessons to consider.

Overall context of devolution

Though most countries in the region have devolved management of their resources, the centralised government agencies receive the greater proportion of revenue from resource control, and processes are neither transparent nor accountable. Save for a few countries such as Namibia, and even in instances where wildlife occur on communal lands with resident communities such as the case of Zambia, “tourist hunting concessions are not allocated transparently” (Child and Dalal-Clayton 2004:269).

The term devolution/CBNRM of natural resources management has various meanings for different countries. In Southern Africa region, the term CBNRM refers very specifically to approaches where the explicit objective of natural resource reforms is the devolution of authority from the state to defined groups of resource users on communal land. A typical approach has been to establish (or strengthen) community-based organizational structures that are legally recognized, and to grant those local groups conditional rights over natural resource use and management, including commercial uses that involve third-party leases or joint ventures partnerships. In East Africa, approaches vary, and in some cases are similar to the Southern African case described

above. In Kenya, for example, wildlife trusts and conservancies have been established on community land and managed by communities for their benefit.

Generally, in Eastern Africa, following the decentralisation of political systems, devolution confers the management of all land and ecosystems outside PAs to local governments. This situation creates two parallel structures at the local level, the customary systems where they are recognised and the statutory local government system. In many cases these have been integrated but as already indicated there are cases where they contradict each other, especially where the customary systems are more dominant such as the case of pastoral communities. Contradictions and competition also arise in cases where economically valuable resources exist. This is mainly because economically viable resources such as minerals and oil below ground are managed by central governments. Such cases lead to explosive interactions among the two systems of governance over the benefits and many times communities lose out of the benefits from resources existing in their respective areas.

Kenya has only recently established a decentralised governance system. Therefore, it is a case where lessons from other countries can be applied.

In East Africa, what is considered as CBNRM mainly refers to co-management of PAs with communities and is usually limited to access rights to particular resources. As already indicated under the section on PAs, this form of CBNRM has largely failed in East Africa, because communities are not considered as partners in management of resources. In some countries like Kenya, this form of CBNRM around PAs is even non-existent.

Generally, a review of CBNRM in Africa (Roe et al 2009) showed that Southern Africa tends to be based, at least conceptually if not always in practice, on a foundation of common property theory which recognizes that there is a strong relationship between local investments in resource stewardship and proprietorial rights to the resources in question. Exceptions are Mozambique and South Africa. Mozambique has significant resident populations in its PAs and so has been developing a range of co-management options, and like East African countries has seen heightened tensions between local, private, and state interests in natural resource management following the flurry of reforms carried out in the mid-1990 after the end of civil war. In South Africa, with most resources enclosed by private lands or state PAs, many community-based initiatives focus on co-management, benefit sharing, and innovations such as “contractual parks.”

Challenges

Insufficient Transfer of Power: The first challenge facing Devolution/CBNRM efforts is that the wide failure to transfer

sufficient decision-making powers and mandates to the local level “turn most decentralization reforms into charades” (Nelson 2006). Many studies such as those under RFGI, WRI and Nelson et al (2008) concur that valuable natural resources create incentives for central actors to retain control over them, even when these actors, sometimes, claim to decentralize control (for example high value timber, hunting). It was further shown that natural resource governance changes in the East African region have, sometimes, worked to recentralize authority over valuable resources even while formal policy and donor rhetoric espouses devolution and decentralisation. Tanzania, for example, is increasingly designating more areas under PA systems to centralise their management. Kilimanjaro PA devolution has been reversed and now managed by the TANAPA and community participation replaced by anti-poaching and paramilitary control (Kijazi 2015). Uganda is floating the idea of creating wetland PAs for critical ecosystems under threat from development. In Rwanda, since the 1994 genocide, the government has increasingly centralised authority over natural resources considered significant for biodiversity and other ecosystem services. Similarly in Southern African countries such as Botswana, political commitment to local control over wildlife has been erratic and recentralization characterizes debates over CBNRM. Overall, it is state modernization discourses and elite interests over the value of resources that play a vital role in this policy reversal (Nelson & Agrawal 2008).

Competition for Legitimacy: RFGI research in the region (Kenya, Tanzania, Mozambique, Uganda)¹⁰ showed that a key challenge for decentralised management was that central agencies and donors choose to work with multiple partners (CBOs and Private sector) causing and leading to competition for legitimacy with elected leaders (Madondo and Jusrut 2015, Mbenche 2015, Kijazi 2015). The plethora of players in the local government undermines and fragments authority and hence causes weaknesses in accountability. This is made worse when projects limit or fail participation of local people by providing insufficient information, resources and skills to hold those with authority on projects accountable, and yet accountability is the main attribute that empowers citizens to participate in influencing decisions that matter to them (RFGI 2010). Generally, it was determined that limited resources and time are allocated to processes because projects prioritise tangible outputs over processes which are considered time consuming.

Bureaucratic Disincentives: It has been argued that bureaucracy is a deliberate tool used by central level actors to fail devolution (Nelson 2010, Ribot 2004). For instance, in Uganda, collaborative management is preferred to full devolvement of management of PAs, while in Tanzania, the extent of vested interests in central government and the private sector and the procedures involved are potentially able to undermine local opportunities in using communal land

aimed at generating benefits from non-consumptive tourism (TNRG, 2008).

Lack of Local Content: There is evidence of inadequate national or community level innovation and/or over reliance on outsider-driven ideas. It is known, for instance, that sector reforms especially CBNRM have been largely motivated and supported by foreign donors and international conservation organizations. Major explanations attributed for failures of CBNRM in improving participation have included the argument that they have been dominated by central level actors, international agencies and private sector while communities were actively absent (Anstey 2001; Nelson and Agrawal, 2008, Nelson 2010). It has also been pointed out that they have been limited by prioritising ecological interests over social issues (Emerton 2000). CBNRM reforms have been exploited primarily by private sector interests, especially in Southern Africa where private ranchers are predominant (Barrow, Gichohi and Infield 2001). Another reason advanced for the failure of CBNRM in improving participation was because states considered CBNRM as an opportunity to subsidize protection, rather than genuine participation being allowed for local people. They were only allowed access to less economically valuable non-timber forest products (NTFPs) for their management role (Bergen 2001). In addition, CBNRM projects have been based on false assumptions that communities are static, organic and homogeneous, without considering the various differences in society (Barrow and Murphy 2001). Last but not least, CBNRM was used as an excuse for states to extend control over lands that were not under their control, an argument that best suits the Southern African context (Murombedzi 2010 and Anstey 2001).

Opportunities

Building on REDD+: Generally, most countries in the region that have embraced REDD+ are in a process to review their governance systems and other key issues such as tenure rights, as a requirement for improving their benefit sharing and safeguard systems. Most safeguard systems are emphasizing Free prior and informed Consent (FPIC) and gender mainstreaming as important elements of inclusive participation. Thus the ongoing REDD+ processes are very important entry points for further promoting devolution and CBNRM.

RFGI Framework: Devolution of NRM was main focus of the RFGI program. The outputs are based upon more than 30 important case studies that explain the various progresses, issues and challenges that affect decentralised management of natural resources. It is complete with a framework of principles, criteria and tools needed to achieve effective decentralised NR management by partners, local governments and communities. A key finding was that many intervening agents (NGOs, Donors and Governments) are

unable to support devolution due to limited understanding of their power and role in supporting or undermining local governments through their own projects. The framework enables the intervening agents to self-evaluate in order to improve their performance (RFGI handbook I, 2015).

Local governments provide a very plausible structure to achieve inclusive participation for the most vulnerable, and enhance their opportunity to share in the benefits and minimize the risks and negative impacts that national and global programs may impose on them. They, however, need to be buttressed to address capacity shortages, corruption and resource constraints. The RFGI framework provides a mechanism in which the weaknesses of local governments can be addressed with the aim of enhancing their responsiveness to people. Empowered local administration can call intervening agents to order in situations where they are errant – “Sometimes, local administrations become so frustrated with intervening agencies that the demand for accountability from them often becomes inevitable, as the case of the Karamoja region of Uganda” (RFGI hand book II 2015). The opportunity, therefore, lies in encouraging local administrations that possess some form of control over resources to further strengthen decision-making over natural resources management.

Existing CBNRM Approaches: Most of the conservation programs now use CBNRM approaches as the best bet for participation and empowerment (See Annex 1 on various forms of community involvement in NRM). These emerged in the 1990s in response to the conflicts around PAs (Hulme and Murphree 2001). Despite their various weaknesses, they are still considered good approaches for decentralized natural resources management in the post-colonial era where various contexts have changed socially and economically. However, the weaknesses of these approaches have to be engaged. The broad range of CBNRM models present important lessons. At the core of most CBNRM initiatives is the ability to design a governance framework that allows effective representation and equitable sharing of benefits to take place. Their success is based on the ability to focus on negotiating power relations around the resources. It is important to map the various relations that are reformulated around the various CBNRM models with emphasis on mapping who benefits and who loses, whose rights are recognised and whose interests/resources are appropriated.

Building on Local Knowledge: Roe and Nelson (2009) note that East Africa is characterized by the persistence of long-term community-based resource management systems used by resident communities as the de facto natural resource management systems, such as pastoralists in the Rift Valley from southern Ethiopia to northern Tanzania, and numerous examples of sustainable local forest management in Kenya and Tanzania.

In addition, regarding national CBNRM initiatives, some notable ecological, economic, and institutional achievements have been documented which any new innovations can build on:

- In Namibia communal land conservancies have proliferated and now cover more than 14% of the country and involve over 200,000 people and earn US\$ 2.5 million per annum. Key wildlife resources have recovered and illegal use of wildlife has fallen.
- In Zimbabwe, CAMPFIRE generated \$20 million in revenues for local communities and district governments from 1989 to 2001, and also resulted in over 40,000 km² of communal land being managed for wildlife production. More importantly, some stakeholders have adapted to the current economic and political crises by forming new types of relationships to maintain wildlife production systems on communal land.
- In Tanzania, more than 3.6 million hectares of forests and woodlands are now managed as Village Land Forest Reserves, entirely under the control of locally elected village governments, or as co-managed forests between villages and either local or central government.
- In Kenya the development of community-level wildlife-based tourism ventures on communal and private land is making a major contribution to the total national conservation estate.

Conservation and Equitable Benefit Sharing

One of the biggest challenges facing conservation and governance is the relation between conservation and livelihoods. Most conflicts around conservation as a concept are over access and sharing of resources. As already mentioned, two main drivers of conflicts in the region are enduring colonial legacy that denies access to resources, coupled with dispossession by powerful economic interests and now climate change induced limits which are creating new challenges for industry.

Challenges

Establishing equitable benefit-sharing: The main challenge around CBNRM, decentralisation reforms today is that of establishing equitable benefit-sharing frameworks that link with sustainable use in the face of growing population and, competition for resources in addition to inequality. Therefore, the various initiatives that are being piloted to improve livelihoods around various natural resources need to provide a firm foundation and facilitate the strengthening of benefit-sharing schemes that link with overall natural resources governance of an ecosystem. The context

is such that for many countries in Eastern and Southern Africa, the implementation of the rule of law tends to be weak, with governance processes strongly influenced by informal or personal interests and networks (Nelson 2010). In such contexts, rights as defined by laws or constitutions can be, in practice, of limited meaning. As a result, efforts to strengthen local rights and tenure in relation to natural resources, as well as equitable sharing of benefits derived from them, are widely constrained. Moreover, current political and economic trends in sub-Saharan Africa, particularly the growing market value of many natural resources, create incentives for policy-makers and political elites to further weaken local rights rather than strengthen them.

Power of the private sector: The relationship between powerful state and private sector may sometimes lead to the application of the law selectively or at worst circumnavigate it. The advance of extractive industry in the region, particularly within development corridors is seen to operate “above” national law and human rights considerations. This is because investments, and related transportation of goods including natural resources, take precedence over other considerations. Yet, these initiatives provide a very important entry point for demonstrating inclusive participation and for discussion of benefit sharing schemes.

Underfunding: A related challenge across the region is that natural resources management is mostly underfunded. Where they exist, valuable resources are moved out of control of natural resources managers and communities to central government economic planners and private sector with very little returns ploughed back to the sector if at all. Operationalizing the various governance structures requires sustainable financing. Further, it is around financing and benefit-sharing that various governance systems are developed and operationalised.

The main funding streams for community based natural resources management being developed in the region are trust funds and market based systems such as REDD+ and PES which provide plausible and relatively sustainable funding to the sector. However, the market based framework has been flagged as a potential risk which can undermine community rights by prioritising interests of private sector (Murombedzi 2010). In all, the key challenge for the region is how to support the funding and hence operationalising of the various natural resources governance institutions that will support equitable benefit-sharing on a sustainable basis.

Opportunities

Namibia and Botswana provide lessons for transparent approaches to the management and sharing of benefits generated from natural resources. While Namibia applies public auctions for concessions for hunting, Botswana attempted to strike a balance between providing access to

wildlife to local citizens for their own consumption, and developing a commercial tourist hunting industry. Nelson and Agrawal (2008) pointed out that "...the combination of limited state control over tourist hunting revenues and concessions, low value of wildlife on communal lands prior to conservancy formation, transparent hunting administration procedures, and the generally high quality of national governance institutions all serve to reduce the incentives that state wildlife authorities in Namibia possess to engage in obscure transactions."

Taking advantage of REDD+: As already indicated, REDD+ and the various trust funds in the region provide important entry points to develop new approaches and practical lessons on benefit-sharing. These countries have to institute REDD+ governance structures based in FPIC, that also enable equitable benefit-sharing mechanisms. FCPF countries include (Uganda, Kenya, Ethiopia, Mozambique and Zambia, Sudan) and UNREDD countries include Ethiopia, Uganda, Kenya, Malawi, Tanzania, Zambia and Zimbabwe, Sudan).

Locally-driven strategic vision and direction

NRM regimes need to enable learning and adaptation, the building of knowledge and skills, and the provision of natural resource services and products that are beneficial across a wide range of users. Otherwise such regimes will have little strategic value beyond the locale. Consequently, new solutions in NRM should encompass precautionary principles, emphasise self-determination and address adaptation even with new pressures brought about by demographic, economic and climatic changes. Strategies may be informed by diverse experiences (local, traditional, scientific) as well as emerging trends and influences (especially with the emerging of dominant political and market processes).

Challenges

Outsider-driven Innovations and Reforms: Inadequate local innovation and outsider-driven innovations have been highlighted above. Note that most sector reforms have been largely motivated and supported by foreign donors and international conservation organizations, particularly where states are undergoing reconstruction following economic collapse or civil wars. Yet conservation action happens at the local level, therefore local level actors must be part of the process (with rights, representation, responsibilities and accountabilities). The policies and implementation regimes are not strategic enough to ensure that local populations, upon whom they rely for their success, are fully participating and benefiting. Further, most policies have not been adequately matched with necessary capacity (human, funds, infrastructure) for their implementation. Therefore, most countries have instituted reforms that have not been operationalised.

NRGF itself in its technical meeting in 2015 noted that "...programmes or approaches (e.g. sustainable development, CBNRM) are often defined by Intervening Agencies/agents at each level and point of intervention, and by the time the intervention gets to the most local level, the language and narrative of agents at that level becomes completely ignored or has no space."

Increasing market-oriented approach to NRM: There are growing pressures on natural resources in the region due to the promotion of consumptive economics by states and market actors. Pressures caused by an emerging industrial sector and demographic growth without related strategies to manage them sustainably are leading to over exploitation of water, forest, land and wildlife resources to satisfy consumption especially by those who can "pay". While consumption in itself is not the challenge, the core problem lies in having no common strategy to ensure sustainable utilisation or extraction.

There is mention of the risk of the dominance of market-based approaches to resource governance especially because financial players such as banks and capital markets are becoming active participants in environmental stewardship (in the form of investments for conservation and restoration). More holistic understandings of nature stewardship including arguments for cultural continuity tend to be undermined by market thinking and forces. This is accompanied by a prominent shift in vocabulary such as the displacement of '*relationality*' by '*rationality*'. There is also an assumption that decision-makers can only converse in the language of markets and, therefore, we are compelled to communicate in a similar language and align values of nature with those of markets.

Similarly, the relationship between the state and the market is presenting a new challenge of commoditisation of natural resources. It has been argued for instance by Murombedzi (2010) that natural resource governance has been manifested from 'fortress conservation' to 'decentralization' initiatives, which are in practice often a redefinition of land rights towards the market. This is in effect a process of commodification and expansion of capital into new areas. For example, Payment for Environmental Service (PES) schemes are based on the assumption that if certain resources do not enter the market as commodities, they cannot be conserved.

At a regional conservation forum (NRGF 2015e), participants raised the risks that may be associated to the Natural Capital paradigm adopted by IUCN. Participants drew the analogy with the Environmental Impact Assessments that are usurped by powerful interests and in the absence of citizen oversight and respect of citizen right have been used to justify and "green wash" investments. The main challenge highlighted at the Regional Conservation forum

(NRGF 2015e) was that any market based system would have to choose from many varied values people attach to resources and that values of powerful interests would likely be prioritised over those of vulnerable groups.

Diversity of Cultures and Knowledge

The complementarity of different cultures and knowledge in the management of changing realities of nature and its resources underscores this principle. Thus, the realisation that different worldviews (traditional and biological ecological knowledge) in the governance of natural resources may combine has the potential to provide valuable information if not useful models that can be adopted for resource management today. The United Nations Convention on Biological Diversity (1992) urges us to "...respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity"

Mazocchi (2006) notes that, throughout human history, different cultures have had different views on nature. He further notes that the systems of managing the environment constitute an integral part of the cultural identity and social integrity of many indigenous populations. He argues that at the same time the knowledge embodies a wealth of wisdom and experience of nature gained over millennia from direct observations, and transmitted—most often orally—over generations. In combination with modern biological knowledge and varying worldviews, therefore, the emerging dialogue in studying biological, ecological and social phenomena that include different levels of complexity may well contribute to the realisation of global objective of sustainable development.

Challenge

PLAAS (2016) points out that strong local and national civil society organisations can drive the much-needed reform because they hold a rich body of knowledge, but their critical role has yet to be widely recognised or effectively supported. Similarly, traditional and indigenous knowledge is seldom explored with heavy reliance on the biological science knowledge. In the process, the interconnectedness of humans and nature is seldom brought to the fore.

Opportunities

Neera Singh noted that western social science is now turning to what are termed as 'Vitalist ontologies' which state that agency emerges from the coming together of nature and humans, and interaction of diverse actors (NRGF, 2015a). For many indigenous cultures these ways of looking at the world as interconnected are part of their lived realities and worldviews. NRGF could help bring greater visibili-

ty and advance the recognition of these forms of knowledge in natural resource governance.

IUCN has itself embraced the approach of working with customary and existing structures in natural resource management. For instance in the Garba Tula region of northern Kenya, and in Karamoja Uganda, it built on the customary common property governance system of land and natural resource access, ownership and management, which has been in place for many years and is widely understood and recognized by a large proportion of the community (IUCN, 2013). The project has worked extensively with local communities, their representative institutions and with local government partners to support the development of stronger regulatory systems, more robust and effective NRM institutions and improved planning processes to promote stronger governance of natural resources within Garba Tula district, and Isiolo County as a whole and in Karamoja Uganda.

At the heart of adaptation to changing environmental and climatic conditions as well as the sound use and control of resources is traditional knowledge and the institutions that mediate that knowledge. This provides insight on how to work with indigenous and local communities when dealing with the threat of climate change. Mazzocchi (2006) noted that traditional knowledge has developed a concept of the environment that emphasizes the symbiotic character of humans and nature. It offers an approach to local development that is based on co-evolution with the environment, and on respecting the carrying capacity of ecosystems.

CONCLUSIONS AND WAYS FORWARD FOR NRGF

These key issues, challenges, and opportunities provide a context for the development of next steps for the NRGF in Eastern and Southern Africa. Recognizing that there are many existing organizations, local projects, and initiatives, the overall strategies for the NRGF include convening platforms bringing to together key actors working to strengthen rights-based natural resource governance, and to support learning and more concerted action for governance improvements, especially at policy levels (NRGF 2016). Regional scoping activities to date have identified and engaged with a number of institutions, organizations, networks and actors in Eastern and Southern Africa who can foster innovation in a given national, regional, or sectoral space to improve natural resource governance. An initial list of these organizations is provided in the table below.

With regard to the key issues that could be the focus for concerted action, the following points provide some options for consideration in developing next steps of the NRGF regional strategy, based on the challenges and opportunities identified in this paper. Across these issues, it is understood that efforts to improve natural resource governance are not simply technical issues, but require policy engagement and understanding of power dynamics.

Focus on inclusive decision-making through structures that promote accountability and effective representation: Working to reshape power relations is central to attaining inclusive decision-making. This includes paying particular attention to the unique challenges of representation and accountability recognising that influential powers include state actors, businesses, donor institutions and some intervening agents. NRGF should consider adopting and modifying the tools developed by both RFGI and FAO technical series to support this process. The IIED tool for supporting community participation too has also been recommended.

Contribute to ensuring greater transparency and consideration of social/environmental issues in large-scale land acquisitions: Entry points for promoting improved natural resource governance in relation to large-scale land acquisitions exist at policy levels as well as in relation to clear and accessible information:

- Policy engagement may include supporting policy reform in recipient countries towards greater transparency of decision-making and greater consideration of social and environmental issues, and ensuring the policies are actually implemented. The ongoing FAO-led process of implementing the Voluntary Guidelines for Responsible Governance of Land and Other Natural Resources, and the Framework and Guidelines for Land Policies in Africa developed under the leadership of the African Union and the UN Economic Commission for Africa and the African Development Bank are useful steps in the right direction. On a good note, many countries are signatories to the Extractive Industries Transparency Initiative (EITI) initiative.
- Another potential approach for NRGF is to help with current efforts, such as through the Land Matrix, to address the lack of clear and easily accessible information on land acquisitions and agricultural investments. Effective systems to monitor land deals (inventories, maps, databases) can improve transparency and public scrutiny, as well as access to information for governments and prospecting investors on the various rights and procedures for respecting and protecting those rights. International agencies can play a role in making this happen.

Engage in political processes that structure and shape land and resource rights: Securing local land and resource rights entails engaging with political processes (e.g. parliamentary committees) that structure and shape those rights, as well as strengthening local social movements and civic organizations, which are ultimately key to democratizing natural resource governance institutions and the wider political landscape that they are situated within. NRGF could contribute to strengthening tenure rights through strategies

for influencing political and institutional changes, including through better links between local groups and global networks, as well as generating improved understanding of the political dynamics surrounding tenure issues. By implication NRGF has to devise mechanisms of continuous learning especially by working with movements or platforms of activists that are transboundary, influential and bear deep technical and political reach.

Use and evaluate new tools and/or platforms to stem the reversal of devolution: There have been substantial achievements and efforts still underway to devolve authority for natural resource governance to local levels, for example through CBNRM initiatives. However, the outcomes of reform efforts in natural resource governance have been highly dependent on the interests of central government actors and the extent to which they have initiated reforms convincingly. In countries where institutional reforms have occurred (Namibia, Botswana and Zimbabwe), actors within the state wildlife bureaucracy played a key role in effecting changes. In Tanzania the key determinant of reform outcomes has been the extent to which central wildlife authorities have sought to maintain control, yet their partners in forestry, within the same ministry have taken the policy approach of devolution to the village level, though the forestry authorities still retain control over high value timber. There are clear moves towards recentralisation in many of the countries especially around high value resources despite the policies pronouncing a move towards shared responsibility with local governments and communities. Thus, one potential area of engagement for NRGF is to work in concert with multiple partners, in order to influence governments to complete unfinished reform agendas and guard against the reversal of these trends.

Consolidating intervening agents' work to strengthen devolution: Ribot (2013) argues that establishing decentralised, democratic natural resources management institutions at the local level, and transferring sufficient power to them, allows them to become responsive and also triggers communities to engage with authority and catalyse accountability. One important dimension of the democratisation of NRM identified through the work of the RFGI is to engage intervening agents' work and role in these decentralization processes. This implies influencing them to change processes that have hitherto involved working with a multitude of partners at the local level, which causes competition for legitimacy for local administrations and weakens their power and accountability. NRGF could support efforts by intervening agencies to promote capacity development of local authorities to engage with growing neoliberal interests and trans-boundary arrangements of natural resources management. The RFGI tools that were developed and tested to support intervening agents on how to strengthen decentralised NRM provide a basis for this for example

through building capacity to support and promote democracy are the local level.

Key Actors: The critical actors for good natural resource governance emerging from this study (also adapted from the NRGF global inception workshop (NRGF 2013) that can

inform the development and implementation of NRGF in the region are indicated in the table below. They are placed within domains of action that enable a gradual but sustained energy to influence and advance good governance (Table 2, below).

Table 2: Key Actors for NRGF

Domain	Actors	Some Examples of Active Organisations
<p>Demand (direct users of natural resources/processors, NR markets & policy makers/regulators)</p>	<ul style="list-style-type: none"> The main target for NRGF is the communities. Those that are easily accessible are those engaged with the ongoing ESARO governance programs and members initiatives. 	<p>Programs of the IUCN members who have been active in the NRGF process include: RUZIVO trust, Southern African Resource Watch (SARW), Resource Africa, Indigenous peoples of Africa (IPACC), Botswana university and Zimbabwe Environmental Lawyers Association (ZELA).</p> <p>IUCN-ESARO governance programs include: The pro-poor REDD+ project in Uganda; The Widening Informed Stakeholder Engagement (WISE) in REDD+ project in Kenya; The drylands projects in Kenya and Ugandan; Sustainability and Inclusion Strategy for Growth Corridors in Africa project (SUSTAIN-Africa), in Tanzania and Mozambique; Building River Dialogues and Governance (BRIDGE) targeting the Nile in the region</p>

Table 2: Key Actors for NRGF (cont'd)

<p>Intermediary (Multilateral agencies, civil society and non-state actors that operate at grassroots, have networks and engage policy processes on NRM). They support diffusion of the NRGF framework within their networks, as well as act as the bridge between policy and practice.</p>	<ul style="list-style-type: none"> • Institutions that can be engaged include donors engaged in various natural resources governance issues in the region • Economic Blocks in the region • Regional and National civil society platforms through which national and transboundary NRGF issues can be discussed and NRGF framework can be developed, test and validated 	<ul style="list-style-type: none"> • Donors include: The World bank’s FCPF and the UNEP’s UN-REDD program in most of the countries. FCPF countries include (Uganda, Kenya, Ethiopia, Mozambique and Zambia, Sudan) and UNREDD countries include Ethiopia, Uganda, Kenya, Malawi, Tanzania, Zambia and Zimbabwe, Sudan). • IUCN-ESARO has ongoing collaborations with FCPF and UN-REDD programs in Kenya, Uganda and Tanzania, through which both the donors and policy makers in the countries developing their REDD+ processes can be engaged. • FAO supported by UK-Aid and DFID are implementing VGGT guidelines in Malawi, Uganda, Kenya. • Other Donors active on Natural Resources governance programs are Austria Aid, United States Development Aid (USAID), UK-Aid, Swedish International Development Agency (SIDA), Netherlands, Open Society Initiative, the Ford Foundation and Fredrick Ebert Stiftung • Regional: IUCN secretariat has formal agreements with these regional organisations. They provide a framework through which regional and transboundary issues can be engaged. These include East African Community (EAC), Southern African Development Community (SADC) and Intergovernmental Authority on Development (IGAD)United Nations Economic Commission of Africa (UNECA),African Ministerial Conference on Water(AMCOW), African Ministerial Conference on Environment and Natural Resources (AMCEN), African Development Bank(AFDB),African Union (AU), New African Partnership on D NEPAD. • The UNECA, Climate Change Development Program (CLIMDEV) Africa program, has shown interest in collaborating in developing its governance through NRGF. The CLIMDEV program has indicated interest to support scoping in the region. • The regional platforms include: the OSISA funded NGOs participating in the Southern African Resources Watch initiative. OSISA has already expressed interest to collaborate with NRGF to support its development within extractives but also to support OSISA scale to other areas. Similar platforms in East Africa, are the East African Sustainability Watch (East Africa SUS Watch) and the EAST African LANDNET network, • At the National level, most countries have established Environment and Natural Resources Donor Working Groups and Environment and Natural resources Civil Society Platforms. For example, the Tanzania Natural Resources Platform is a very active forum that has carried out various research, activism and capacity building programs on various natural resources governance issues. It provides a particularly important platform for engagement. Uganda has the Environment and Natural Resources Network. • The International NGOs include: Center for International Forestry Research (CIFOR), OXFAM, International Institute for Environment and Development (IIED), CARE, Netherland development organisation (SNV)
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Table 2: Key Actors for NRGF (cont'd)

<p>Enterprise (Users of NR services and products for livelihoods, business and production of products & services)</p>	<p>The trending feature of private sector in the region are the Growth Corridor investment and Extractives (minerals, oil)</p>	<ul style="list-style-type: none"> • The Southern African Growth corridor of Tanzania (SAGCOT) can be an entry point for NRGF through SUSTAIN. It would engage two key investments. Large scale agriculture in Tanzania, and Mineral extraction in Mozambique • The SARW the other entry points for NRGF to engage a number of NGOs involved in the extractive industry in the southern Africa region • The IUCN membership platform in each county where they exist also provides an important entry point to engage on various NRGF issues
<p>Education and Research</p>	<ul style="list-style-type: none"> • The research institutions that have already developed tools and involved in governance research and capacity building 	<ul style="list-style-type: none"> • PLAAS • FAO • World Resources Institute (WRI) • CODESRIA • University of Illinois/RFGI- The Network of RFGI researchers • International instituted for Environment and Development (IIED) • African centre for Technology Studies (ACTS)- Kenya • MISR (Makerere Institute for Social Research) • University of Botswana • University of Kwazulu Natal –centre for civil society • Land and Equity Movement (Uganda) • The Tanzania Natural Resources Forums • Dar-es-salaam University

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ENDNOTES

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² Refers to IUCN operational regions, East and Southern Africa includes 22 countries crossing from the Horn of Africa, East Africa, Southern Africa and the Western Indian Ocean. Details can be found on www.iucn.org/regions/eastern-and-southern-africa

³ A series of working papers developed under the RFGI program in 2015 can be found on <https://portals.iucn.org/library>

⁴ In Africa there is a strong focus on state owned PA estate (e.g. NPs), and relatively much less focus on community conserved areas (Category V + VI). that there has been and continue to be a history of relocation of local people from their customary lands now in protected areas. Kijazi 2015 describes that well for Mt. Kilimanjaro <https://portals.iucn.org/library/node/45962> . Dan Brockington also does this for Mkomazi Game Reserve http://www.iupress.indiana.edu/product_info.php?products_id=21238

⁵ *ibid*

⁶ The Whakatane Mechanism is an IUCN One Programme initiative that supports the implementation of “the new paradigm” of conservation, focusing on situations where indigenous peoples and/or local communities are directly associated with protected areas as a result of their land and resource rights, including tenure, access and use. The mechanism promotes and supports the respect for the rights of indigenous peoples and local communities and their free prior and informed consent in protected areas policy and practice, as required by IUCN resolutions, the Convention on Biological Diversity (CBD), and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

⁷ The Responsive Forest Governance Initiative (RFGI) is a research and training program, focusing on environmental governance in Africa. It is jointly managed by the Council for the Development of Social Sciences Research in Africa (CODESRIA), the International Union for the Conservation of Nature (IUCN) and the University of Illinois at Urbana Champaign (UIUC).

⁸ The Oakland institute has documented many cases and debates around land grabs in the region. See www.oaklandinstitute.org

⁹ Devolution and decentralisation are used synonymously here to refer to the transfer of power by higher authorities to lower levels (Ribot 2004).

¹⁰ <https://www.iucn.org/fr/node/25501>



IUCN is a membership Union composed of both government and civil society organisations. It harnesses the experience, resources and reach of its 1,300 Member organisations and the input of some 15,000 experts. IUCN is the global authority on the status of the natural world and the measures needed to safeguard it.

CEESP, the IUCN Commission on Environmental, Economic and Social Policy, is an inter-disciplinary network of professionals whose mission is to act as a source of advice on the environmental, economic, social and cultural factors that affect natural resources and biological diversity and to provide guidance and support towards effective policies and practices in environmental conservation and sustainable development.

The Natural Resource Governance Framework (NRGF) is an IUCN initiative created for the purpose of providing a robust, inclusive, and credible approach to assessing and strengthening natural resource governance, at multiple levels and in diverse contexts. The NRGF is hosted by the IUCN Commission on Environmental, Economic and Social Policy (CEESP), working in close collaboration with the IUCN Secretariat and partners across the Union.