USAID BIODIVERSITY AND DEVELOPMENT HANDBOOK

IV BIODIVERSITY AND DEVELOPMENT INTERSECTIONS

Families rest in the shade while Northern Rangelands Trust community rangers pass by on patrol in Kenya. Nature-based enterprises and improved management earned about $1.3 million in 2013, in an area with low annual incomes and few economic options.

Photo: Juan Pablo Moreiras, Fauna & Flora International

IV BIODIVERSITY AND DEVELOPMENT INTERSECTIONS

Fishermen of the Hail Haor wetland in Srimongol, Bangladesh, have much to celebrate. After USAID helped local people participate in decision making and management of Hail Haor, fish diversity went up significantly, waterbirds that hadn't been seen for years returned, and fishermen regularly caught more fish in less time than they used to. This success with community co-management led the Government to change national policy on the rights of communities and initiated a large scale up in effort with USAID support.

Photo: Sirajul Hossein

IV BIODIVERSITY AND DEVELOPMENT INTERSECTIONS

4.0 OVERVIEW

This chapter supports Goal 2 of the Biodiversity Policy, "integrate biodiversity as an essential component of human development," as well as Agency integration goals and emerging best practices. Virtually all USAID programs are integrated with other sectors, whether intentionally or not, because they operate within socioeconomic systems. Biodiversity conservation programs are no exception. Conservation activities impact other sectors and vice versa. This chapter provides information on these linkages and impacts, for consideration in increasingly common multi-sector programming. Programmers and managers may also find this information useful in considering how working in different sectors contributes to sustainability. In addition, biodiversity and environment experts need to know enough about other sectors to be able to engage appropriately, though they do not have to be experts.

Integration does not mean doing everything; it means being strategic. Resources presented in this chapter can help planners make these strategic choices – identifying entry points and actions in other sectors that can lead to and enhance biodiversity conservation outcomes. For example, in the context of a threats-based approach, planners and practitioners could engage with efforts to strengthen legal and justice systems and apply best practices to specific conservation challenges such as trafficking or illegal, unreported, and unregulated (IUU) fishing.

As explained in Chapter 3, it is also evident that conservation approaches require knowledge about and engagement with the sectors to be covered here. Broad-scale landscape and seascape approaches often dictate integration of agricultural considerations; these could involve a mix of ecoagriculture, agroforestry, and intensification techniques, as well as improved fisheries management in seascape settings. Community-based natural resource management (CBNRM) approaches can improve conservation impacts and results by incorporating and facilitating the positive evolution of land tenure and property rights concerns. Similarly, many practitioners are increasingly realizing the importance of governance in biodiversity conservation programs: Integration of such basic principles as transparency and accountability can lay the foundation for more equitable, positive, and sustainable results. Finally, the crosscutting issue of global climate change has profound implications for natural resource management (NRM) and the conservation of biological diversity. Integrating climate change adaptation measures into conservation programs will be a necessity. At the same time, healthy and diverse ecosystems will provide resilience to climate change for other sectors.

4.8 DEMOCRACY, RIGHTS, AND GOVERNANCE (DRG)

4.8.1 Governance

Definition and Significance

Governance describes the process by which decisions are made and carried out; it can refer to corporate, international, national, or local bodies, or interactions between sectors of society. Governance comprises such critical development elements as the rule of law, public-sector accountability, communication with citizens, anti-corruption measures, and the ability to deliver goods and services. A definition of good governance needs to include two-way communication and active citizen voice and engagement.

There is a clear relationship between meeting individual, personal needs and creating a better society. Better governance, conservation, and NRM all focus on improving the collective good. People know that to fulfill individual needs, common property and common institutions have to be safeguarded and strengthened; however, this often is not their highest priority, and individuals alone cannot do the job. Collective action is needed to improve governance and biodiversity conservation. Linking collective action for natural

resource management with overall governance objectives provides incentives to individuals and groups: They get more value out of their natural assets and can plan over longer time horizons to safeguard those assets. Good governance is thus a linchpin of biodiversity conservation. Where governance institutions are seen as legitimate, transparent, and effective, people are much more likely to follow the rules that such institutions create or disseminate.

Governance has to be considered at all levels, from the transnational to the local. This section breaks governance into two main categories: formal legal and regulatory systems, and informal/ indirect elements of governance. The latter category encompasses structures, rules, or processes that may not have legal or statutory recognition but do have the power to shape outcomes. An example is the leadership structure within religious, cultural, kinship, or ethnic organizations or groups. Conservation planning and implementation requires knowledge of treaties, policies, laws, and regulations governing ownership, use, rights, access, and other elements of the formal systems that impact the conservation targets and the stakeholders who interact with them (see Annex 5.1). Key laws to consider are not just those that are directly related to natural resources but also those economic and sectoral policies, laws, and regulations that may relate to incentives (such as subsidies or export bans), institutions (such as decentralization policies and devolution of authority to local entities), or access to markets. For example, promoting the sale of non-timber forest products requires knowledge of laws and policies governing their harvest, transformation, and sale. To market goods, producer groups may need to register and have formal charters.

Although a country may have a multitude of excellent official policies and laws governing natural resources and conservation, these may not be implemented for a variety of reasons, ranging from a lack of political will to a dearth of human and financial resources. In Kenya, for instance, dozens of well-written policies govern conservation and NRM, yet forest destruction and poaching continue to be severe problems in several areas. Often, informal governance of an area or resource is stronger or seen as more legitimate than the formal system because the reach of authorities is weak, corruption is a factor, or informal institutions are strong and heeded by local actors.

Learning about informal governance systems requires knowing what people actually do and what they consider in taking action. Do they follow, neglect, ignore, or possibly not even know about formal conservation and NRM regulations? What regulations are followed and why?

Asking these questions can help conservation initiatives craft workable governance systems. For example, much effort has been put into studying and improving local conservation bylaws so that they will be adopted and used, or even integrated into formal systems. These bylaws pertain to how people can access, use, harvest, or own a piece of land, fishery, forest, or other natural resource. Often, bylaws are derived from customary governance systems that not only generate rules but also identify authority and decision-making powers. These systems can be highly effective but inequitable, often marginalizing women, youth, or minorities. Also, they often must be complemented by formal governance systems that step in to deal with crimes or transgressions and other larger-scale governance concerns that are beyond the authority of a local group. For instance, villagers in northern Sierra Leone turned over poaching problems within a national park to national authorities when an elephant was killed and guns were involved. This represented a serious threat to security in a formerly war-torn part of the country.

Natural resource management is a tool for better governance and vice versa. Many USAID Missions have discovered that NRM and conservation are good entry points for strengthening governance and civil society because they focus on issues and concerns central to livelihoods and well-being. NRM also offers the opportunity to bring together multiple stakeholders to foster a priority USAID value of participation and helps avoid potential violent conflict. Clearer policies and bylaws governing natural resources can diminish overexploitation by clarifying management, ownership, use, and benefits.

Clear policy frameworks are necessary but not sufficient for improved outcomes. An additional impediment to the implementation of laws and policies is lack of access to information. While the laws may be on the books, if the citizenry does not have access to the laws or other pertinent information, implementation is nearly impossible. Access may be related to freedom of information acts, information on budget allocation, availability of information in all languages, and capacity/willingness of civil servants to respond to information requests.

Power Relations

Power has numerous dimensions and operates at all levels, from the household to the global scale. There are overt dimensions of power and more hidden ones. Power inequalities are real, as well as perceived. Social sustainability and improved governance do not involve doing away with power inequalities, as this is functionally impossible. They do involve understanding these inequalities and crafting explicit strategies to enable stakeholders with different levels of power to communicate and work together in a way that does not harm the less powerful.

Power inequalities may be shaped by the history of a country, people, or region. Colonialism and the expansion of the global economy radically transformed local cultures. The impacts resonate in modern struggles over land and natural resources and, directly or indirectly, in models of conservation. Colonialist powers appropriated land and natural resources for the benefit of their homeland and for settlers. For instance, many national parks in Africa were originally game parks for white settlers and administrators and were militarized to keep the former African landowners and resource users out.

In the history of many developing countries, local populations were coerced or minimally compensated for collective conservation actions, such as reforestation or soil erosion control. This approach led to resistance that resonates even today. To complicate matters, traditional and customary forms of collective action with high levels of social capital are eroding in many parts of the world, due to increased mobility and globalization, among other factors.

BOX 68. POLITICAL ECONOMY ANALYSIS: A KEY TOOL FOR CONSERVATION

A political economy analysis (PEA) is a field-research methodology used by donors to explore not simply how things happen in an aid-recipient country, but why. It is particularly concerned with how power is used to manage resources and, as such, is especially valuable for exploring a "lack of political will," which is often blamed for undermining reform and hindering progress.

A PEA asks questions about a set of factors that impact a nation's development and governance – factors that include politics, rules and norms, social and cultural practices, beliefs and values, and historical and geographical determinants. It can be applied at various levels: a countrywide analysis investigates the factors driving outcomes nationwide, while a sector-level PEA explores influences acting on particular technical areas like health or education. A problem- or issue-focused PEA examines the forces that create a particular developmental or governance challenge. A PEA can also identify opportunities and actors that can drive change locally.
See Section 4.8.1

Conservation policies dating from the colonial era may continue to impact local livelihoods. Policies often change more rapidly than practice. For instance, in some African countries it is no longer illegal to cut a tree on one's own farm, but farmers may not be aware of this policy change, and the colonial-era policy is still enforced by forestry authorities.

Added to these historical patterns are new trends that contribute to power inequalities at the national scale: land grabbing for plantations or agriculture and non-transparent allocation of concessions, dams, and other infrastructure. Transparency, advocacy, and

communication are central to attacking these abuses of power.

At the local scale, power inequalities among stakeholders contribute to elite capture, conflict, and lack of collective action. These power differences cannot be swept under the rug. If one group is perceived, and perceives itself, as being less powerful, it will need help to work and negotiate with other groups perceived as more powerful. Cultural differences are often involved, such as those that exist between indigenous peoples and other groups. Assistance can take the form of capacity building, targeted facilitation, and legal-literacy training.

Power inequalities are also found within communities and households: between the genders, between youth and elders, and between remote residents and town dwellers. Two considerations are critical in a conservation context: 1) mitigating harm to vulnerable groups, and 2) assessing how under-represented groups can contribute to conservation. For instance, remote dwellers may have more incentive to conserve a natural area than those on a main road, but if they are not contacted and engaged, they cannot participate.

Environmental Governance

The field of environmental governance introduces a range of tools and concepts for critical analysis of the intersection of governance and conservation. A few of the key terms and concepts are described below. See also Annex 5.1 for information on international policies and treaties affecting global environmental governance.

perverse policy incentive – Systems of property rights, government regulations, and market dynamics can provide both benefits and risks to those who steward natural resources. While some policies encourage sustainable management of the environment, others have unintended negative consequences. An example of perverse policy incentives can be found in tree tenure systems in Ghana, where all rights to "economic trees" are vested in the president, in trust for the local customary leaders. Farmers who have the trees on their land have no opportunities to profit from them, and hence usually eliminate seedlings before they can mature. A system that gave farmers some percentage of the proceeds from the sale of mature trees would encourage more silviculture, with positive environmental impacts.[1]

open-access situation – Common property resources are resources that are owned and managed by communities, societies, nations, or – in the case of international waters and the upper atmosphere – by the world community. The challenges of managing such resources are great, and the need to understand and factor them into broader NRM policies and structures is vitally important.[2] If the harvesting of resources is not adequately monitored, or if restrictions on extraction are not enforced, then the system may break down and an open-access situation may result, in which users have no incentive to sustainably manage the resource. In a governance vacuum, rational economic actors will simply exploit the resource as rapidly as possible, before other actors can exhaust it. Careful research and analysis is necessary to determine whether local management institutions exist before alternatives are put in place.

Conservation and NRM initiatives benefit greatly from partnership with ***democracy and governance*** programs and partners to reinforce the importance of good governance, transparency, and the rule of law to society as a whole and to conservation and NRM specifically.

Key Democracy and Governance Concepts in a Biodiversity Context

Rule of Law

The rule of law is the cornerstone for all other elements of good governance. Unless the rule of law is respected, environmental policies and regulations may simply be ignored, particularly by the most wealthy and powerful. Effective environmental governance is likely to thrive in situations characterized by a free and fair political system, respect for human rights, a vibrant civil society, and public confidence in the police and the courts. In many developing countries, the rule of law is constantly

1 Rebecca Ashley Asare, Implications of the Legal and Policy Framework for Tree and Forest Carbon in Ghana: REDD Opportunities Scoping Exercise (Washington, DC: Katoomba Group/Forest Trends, 2010).

2 This was recognized by the choice of Elinor Ostrom, a leading theorist of the management of common pool resources, as winner of the 2009 Nobel Prize in Economics.

undermined by corruption, systemic inequalities in access to justice, or economic barriers to enforcement of laws and regulations.

During episodes of widespread conflict, the rule of law may completely break down. Conflicts often give rise to rampant, uninhibited resource exploitation, both by vulnerable households with few alternative means of survival and by organized criminal gangs or armed groups.

Programs designed to better conserve biodiversity are unlikely to succeed in the absence of the basic elements of the rule of law, and biodiversity programming in countries where the rule of law is weak should include elements to improve accountability, ensure universal enforcement of regulations, and reduce losses to the financial infrastructure for conservation through corruption.

Civil Society Strengthening

Civil society organizations (CSOs) are important to ensuring the accountability and transparency of environmental governance. They are particularly important in situations where the political system is compromised by violence or corruption, as lack of real political competition means that lawmakers have few incentives to consider environmental dimensions in their decision-making. CSOs can play a role in disseminating and critiquing laws and regulations, monitoring implementation of laws, assisting those negatively impacted by environmental injustice to seek legal or administrative recourse, pressuring powerful institutions and individuals (particularly through the media) to change laws or practices, and transferring knowledge and skills to local actors to help them better manage biodiversity. USAID projects can strengthen CSOs through financial and technical support, as well as through implicit or explicit diplomatic support, which can protect these organizations from co-option or coercion. Co-option by government or the private sector essentially involves offering benefits (such as a well-paid position on a board or commission) in return for influence, while coercion may involve false accusations of sedition or, in extreme cases, outright violence against CSO staff.

Judicial Strengthening

For biodiversity conservation to succeed, laws must be interpreted and enforced effectively. In many cases, the state itself poses one of the most significant threats to biodiversity, and keeping the state within the bounds of its own laws requires a judiciary that is willing and able to entertain litigation against it – a stand that may be politically unpopular. In some countries, transnational or local private corporations also enjoy great political and economic influence. Public interest litigation, an important instrument for environmental accountability in the United States, is largely unknown in many developing countries. Biodiversity programming, therefore, may involve strengthening the judicial sector by supporting changes in the law that make magistrates more independent, providing judges with training on the legal interpretation of international and domestic environmental legislation, and supporting bar associations that train lawyers in conducting public interest litigation around environmental issues.

Accountability

The notion of accountability refers to systems, procedures, and mechanisms that impose restraints on power and authority and create incentives for appropriate behaviors and actions. It is a core value of democratic governance. Key aspects of accountability include transparency (the publication or diffusion of laws, records, and accounts of potential interest to the public); answerability (the responsibility of powerful institutions to answer queries and accusations by the public); and sanctions for illegal or inappropriate actions (which might be legal in nature but can also include disciplinary measures associated with professional codes of conduct). An institution's accountability system may be internal or external but part of the institution's broader architecture, such as an ombudsman that is part of the government but nevertheless has an oversight role over other state institutions. Or an accountability system may be completely external, such as a civil society organization that plays a "watchdog" role. In the latter case, external efforts to ensure accountability usually have some means to influence internal oversight mechanisms. For example, media attention to the environmental misdeeds of a particular local administrator will have little effect unless it can convince the ministry of the local administration

to take disciplinary action against the person in question. In more democratic systems, external accountability tends to be more powerful, as civil society can influence citizens who have the power to elect officials of their choice.

Most rule-of-law strategic approaches that reduce levels of corruption and coercion will also have a positive impact on accountability by creating an environment that encourages it. Strategic approaches explicitly aimed at improving accountability can include creating, formalizing, or reinforcing systems of "answerability," such as public accounts committees, which are often chaired by members of the opposition parties and monitor government spending. Through support for improved answerability, USAID projects can ensure that public funds (and bilateral aid) are disbursed as planned, rather than being spent on tangential activities or simply stolen. Civil society organization can also contribute to answerability: CSOs may publish critiques of the government budget, drawing attention to any differences between publically stated spending priorities and actual allocations of funding.

Transparency

Transparency is a key part of "answerability," as discussed above. In the environmental sector, aspects of transparency include the regular publication of state inventories of land allocation and use, which can reveal the extent of habitat loss, and the declaration of politicians' sources of income, which can expose links between decision makers and industry, and hence potential conflicts of interest over environmental regulation. While political will is a key determinant of levels of transparency, financial and technical capacity is also an issue. Institutions might not have the technical means or budgets available to make information adequately available to the population through official websites or the dissemination of printed reports. USAID strategic approaches intended to improve transparency might therefore include support for legislative reforms that require the publication of statistics, narrative reports of government activities, and other relevant information. Such strategic approaches might also include technical support to government agencies to help them better fulfill their new responsibilities. In some countries, linguistic diversity, poverty, and widespread illiteracy mean that written documents, televised announcements, and even radio programming may not be an effective means of ensuring transparency. In such cases, community radio stations that broadcast in local languages, along with other civil society organizations, play an important role.

Human Rights

Understanding and being attentive to human rights is fundamental to socially sound conservation and development. The conservation human rights agenda has achieved high visibility in such international fora as the Convention on Biodiversity. Indigenous people are active and vocal. As indigenous and local people are a key constituency for conservation, it is essential not only to consider but also to secure their rights to assets and negotiation. This concern does not mean neglecting or rejecting the rights of the government or other stakeholders. Indeed, USAID often plays a positive role in facilitating negotiation among these groups to achieve clarity, mitigate conflict, and establish appropriate local ownership (See Section 3.1.7).

Media Strengthening

Media can play many important roles: informing citizens about the importance of natural resources management, performing watchdog functions to assure compliance with laws, and serving as public forums for discussing issues related to natural resources and biodiversity. Multimedia approaches can help reach and inform diverse segments of a population; for example, community radio in more rural or remote areas; television in more urban areas; and wireless phones and other devices using the internet and social media to facilitate interactive citizen reporting. Media should serve as public forums. For example, broadcasters can host interactive talk shows that connect environmental experts, government officials, business representatives, civil society activists, and other citizens in ongoing public discussions about how to approach environmental and natural resource challenges and opportunities. Also, investigative journalists and citizen reporters can play important watchdog and transparency functions, probing the effectiveness of NRM program management and revealing violations of environmental protection laws,

thereby holding public officials, businesses, and society more accountable.

Key Questions

How does corruption impact biodiversity conservation?

Impunity, where elites feel that they can do as they wish without reprisals, inhibits both good governance and conservation. This effect can be felt at the local and national levels. For example, deforestation of protected areas for the production of drugs, charcoal, or other valuable commodities may be carried out under the protection of powerful interests who see themselves as untouchable.

Encroachment. In the 1990s, relatively well-off cocoa farmers encroached into Lore Lindu National Park (Sulawesi, Indonesia) with impunity, crowding out other uses, such as honey hunting and ecotourism. In Maharashtra, India, forestland was allocated by the government to NGOs that promised to carry out development activities on the parcels but often sold them off to private developers for a profit.
Wildlife trafficking has important links to organized crime and corruption of protected area managers, border guards, and other officials due to the very high value of the products (see Section 4.10.4).

Degazettement is becoming common in many parts of the world. Sometimes it is used to place land and resources into elite hands. This was the case in the Mau Forest in Kenya, where political elites degazetted state forests and moved in populations from their ethnic groups to shift election balances. Later, the government wanted to return much of the territory to conservation, but people had already settled and in some cases had legitimate titles. PADDD Tracker tracks degradation, downgrading, and degazettement of protected areas.

How do patron-client relations impact governance of biodiversity and natural resources?

Patron-client relationships or "clientalism" is one way that corruption creeps into initiatives and communities. These relationships are inherently unequal: An individual or group is linked to wealthier and more powerful individuals through kinship, ethnicity, locality, or other social identities. The powerful provide resources and services in return for loyalty, votes, and other support. There is nothing wrong with getting support from better-off or better-connected people – indeed, the poor need these ties to move up in the world – however, relationships can be manipulated by the powerful to influence and undermine initiatives to improve governance or NRM so that rules are bent or changed to facilitate their interests. In the film *Weex Dunx*, Jesse Ribot shows how, after many years of work to reform the charcoal sector in Senegal with an aim of better forest management – USAID funding played a key role – powerful charcoal merchants continued to undermine the community forestry system by offering bribes to local leaders with whom they had close kinship or trade relationships.

In the case involving elephant poaching in Sierra Leone, the smuggler cultivated clients within the communities by providing small employment opportunities and access to guns. These ties are often appealing to rural youth, who have no other employment opportunities and are not inclined to be poor farmers.
Undertaking careful stakeholder analysis is critical in identifying both threats and opportunities from patron-client ties. Activities need to help stakeholders most at risk of becoming clients to smugglers, poachers, and other exploiters of biodiversity. Anthropologist Janet MacGaffey was able to uncover highly valuable data on these "underground" relationships in the Congo (then Zaire) through innovative field research approaches that tracked the pathways of such commodities as ivory and minerals from the village level to final destinations as far away as Europe, including information on financing and patronage involved in these transactions. Commissioning this type of innovative study can show how investments are flowing from the powerful to local communities.

What can be done in situations of overall poor governance?

Situations of poor governance, where democratic institutions and practices are not in place, may be conceptualized as forming a continuum between two extremes. At one extreme are authoritarian, non-democratic states that have functional, organized institutions but are not accountable to the population

and use coercive, command-and-control mechanisms to ensure compliance with environmental and other laws, policies, and regulations. At the other extreme are states that may have some characteristics of multi-party democracies, and hence some element of popular representation and accountability, but where governance is routinely undermined by corruption and violence, and where government institutions are fairly ineffective. In the latter case, there is a real risk that piecemeal strategic approaches in the environmental sector will be undermined by the dysfunctional political economy and thus have little impact.

To make a difference, strategic approaches should be well coordinated with broader programs designed to combat corruption and build an institutional culture of accountability. Sequencing of strategic approaches is key. In addition, identifying specific pockets of accountability – such as administrative regions or institutions associated with better governance – may allow a "building block" approach, where programs are established in these "better" areas and then replicated elsewhere.

The first extreme – highly organized authoritarianism – presents different challenges. Because such governments are often willing and able to use coercive means to implement policies, biodiversity programming can rapidly demonstrate "effectiveness," but the longer-term impacts may be counterproductive. For example, where a donor and an authoritarian government agree that forest encroachment is a problem, the government may use donor funding to forcibly evict and resettle those living in the forest. This may be done more quickly and comprehensively by an authoritarian state than by one that has to be concerned about the voting preferences of the evicted communities. In the long-term, however, such coercive measures tend to turn the affected populations completely against the idea of forest conservation, and the livelihood options of those resettled may be so limited that few legitimate sources of income remain. The result is likely to be an ongoing pattern of poaching, tree-felling, and other unsustainable practices, as well as violence between forest guards and local people. In authoritarian situations, therefore, biodiversity programming should avoid legitimization of undemocratic practices and include extra safeguards to ensure that the rights of citizens will be respected.

What conservation efforts contribute to good governance?

One positive aspect of biodiversity programming in authoritarian contexts is that it may provide an entry-point for improving governance. For example, it may be politically feasible to decentralize governance of low-value forest resources (such as degraded areas) to local communities, whereas this would be impossible in the case of higher-value resources, such as intact rainforest. Providing these communities with the experience of autonomous decision-making and building skills for negotiation may have positive effects at the level of political governance.

Role of protected area authorities/enforcement.

The institutions that manage protected areas and enforce conservation regulations in and around them can make important contributions to good governance or, conversely, be tools for corruption and oppression of local people. Key to governance of conservation areas is the collection, management, and redistribution of income derived from tourism, the sale of non-timber forest goods, and other sources of revenue. Because protected areas may have relatively few, and easily monitored, means of generating income, USAID programs may find that supporting improved financial accountability within the conservation sector yields more success than broader reforms relating to highly dispersed forms of revenue collection, such as taxation.

For example, improving systems of receipting for tourist entry to conservation areas, as has been done in Kenya, may be relatively inexpensive and effective. These efforts may then be replicated more broadly across other sectors. In some countries, agencies that enforce regulations in and around protected areas – such as forest guards or the national wildlife service – have institutional links with the police or military. By facilitating a culture of accountability within the institutions of the forest guards, biodiversity programs may have an influence over other branches of the security services; for example, as training curricula or institutional reforms are replicated, or as individual personnel are transferred from one agency to another.

Rule of law. Significant opportunities exist regarding the role of conservation organizations in upholding the rule of law, including international treaties and free, prior, informed consent/consultation (FPIC). Organizations concerned with biodiversity conservation have played important roles in the development of frameworks for international environmental governance.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was one of the earliest modern international environmental legal instruments (dating from 1973) and has developed extensive regulations for the participation of NGO conservation organizations. Such organizations have played an important role in the development and monitoring of CITES by funding specific CITES activities, such as species-specific status surveys, trade projects, and species management plans. Approximately half of the participants to the Conferences of Parties of CITES are NGO representatives.[3]

Most international environmental treaties allow for the accreditation and participation of NGOs in many of the meetings associated with treaty implementation monitoring. Typically, however, as many treaties do not categorize NGOs by country of origin (e.g., impose a "quota system" by country or region of origin), and as the financial and technical capacity of NGOs varies greatly, Western-based NGOs have been more active in international environmental governance than those based in the developing world. Few treaty organizations, with the exception of the UN Convention to Combat Desertification and the GEF, have provided funds for NGOs to participate in meetings. Improving the technical and financial capacity for non-Western conservation organizations to influence international environmental regimes may be useful, especially in effecting regional-level change.

Outside of specific treaty frameworks, organizations working on biodiversity have been part of efforts to develop principles, international standards, and best practices. In some cases, these have been recognized as international customary law and incorporated into the internal regulations of multilateral organizations or have become part of international law. For example, organizations like the Forest Peoples Programme, working on issues of biodiversity and the rights of indigenous peoples in biodiverse areas, have contributed to the development of the FPIC principle, which is now considered a standard international best practice in situations where such activities as mining or infrastructure development may disrupt local ecosystems and livelihoods, and a legal responsibility in areas inhabited by indigenous peoples. NGOs based in the Philippines, where progressive laws on indigenous rights have been promulgated (and long supported by USAID), were called upon by the UN Commission on Human Rights to help in standard-setting for FPIC,[4] and the Forest Peoples Programme and other organizations have made formal submissions to United Nations agencies regarding its implementation. See Chapter 3 for more discussion of FPIC and how the U.S. Government interprets it.

What about governance of transboundary conservation and peace parks?

Poor governance of even one part of a landscape can impact the whole landscape through conflict, migration, and overall mismanagement. For instance, sound watershed management requires adherence of all stakeholders to management agreements. In cases of transboundary management, the policies and practices of one country will impact the other countries. As an example, Tanzania allows limited sport hunting while Kenya does not, and this has profound implications for wildlife management. Good governance and peace building can spread across boundaries in the service of conservation as well: The International Gorilla Conservation Program (IGCP) unites efforts in the once-warring countries of DR Congo, Rwanda, and Uganda.

3 Sebastian Oberthür, et al., *Participation of Non-Governmental Organisations in International Environmental Governance: Legal Basis and Practical Experience* (Berlin: Ecologic – Institute for International and European Environmental Policy, 2002).

4 United Nations Commission on Human Rights, Sub-commission on the Promotion and Protection of Human Rights Working Group on Indigenous Populations. 2003-6 Resolution 2003/29.

4.8.2 Conflict and Peace Building

Definition and Significance

Conservation is a long-term effort that can generate conflict but also holds the potential to encourage cooperation where mutual interest can be identified. Conservation efforts have to tackle immediate threats while chipping away at the drivers of biodiversity loss, which often emanate from outside a landscape, no matter how large it is. A strategy often needs to balance actions "from the inside out" and "from the outside in" in terms of attacking specific threats. For instance, certain threats tied to powerful interests might be challenging for those working inside a country or region to address directly; in these cases, conservation strategies need to consider partnerships with watchdog or advocacy groups.

The high economic value of such biodiversity as tropical timber and rare species of wildlife, and the importance of biodiverse ecosystems to local livelihoods, often place biodiversity at the center of conflict, making the sustainable and equitable management and conservation of ecosystems an important aspect of international security. The relationship between biodiversity and conflict is multidimensional, encompassing scarcity of valuable biodiversity elements and disputes over their access or ownership that serve as a catalyst for conflict; exploitation of biodiversity elements to finance conflict; degradation of biodiversity as an impact of conflict; and acceleration of unsustainable harvesting of biodiversity elements during the post-conflict economic boom (associated with refugee return, the presence of international organizations, and renegotiation of pre-conflict contracts and resource rights). Although its most visible symptom is war or violent clashes, conflict can also be nonviolent, simmering at the local level, breaking down productive relationships, and retarding economic and social development.

A systematic conflict assessment and rolling conflict analysis should help stakeholders understand the conflict dynamics, which include patterns of grievance and resilience, how key actors are able to mobilize groups for peace or conflict, and which likely events could trigger violence or create openings to build peace. At a minimum, conflict analysis for conflict sensitivity requires basic knowledge about dividing and connecting issues in society, as well as important actors pursuing conflict or peace. Where possible, analysis should be done in conjunction with local partners and updated during project implementation. USAID's Office of Conflict Management and Mitigation (CMM) within the Bureau for Democracy, Conflict, and Humanitarian Assistance (DCHA) provides technical assistance to field Missions to plan and implement conflict assessments and understand conflict dynamics as they relate to programming.

Degradation and high levels of exploitation of ecosystem goods and services, combined with a changing climate, decrease the dependable supply of valuable resources, increasing the insecurity of human populations that depend on them. Further, in many parts of the world where USAID works, weak governance, uneven law enforcement, and lack of security of tenure and property rights are the norm. The combination of these dynamics is a recipe for increased competition and conflict over access and rights to biological resources. For example, local communities may have resource and biodiversity management traditions but insecure tenure. External pressure on local resources – exerted by elites, loggers, migrants, and other resource users – may force communities into violence in defense of their resource rights. These conflicts have the potential to arise within, as well as between, communities. The growing scarcity of vital natural resources and biodiversity, as well as the increasingly global nature of trade (for example, poaching of endangered species in Africa to supply markets in China), enhances competition for access to resources, exacerbating conflict. Empowering communities to manage and uphold access rights, develop better institutions and systems of resource governance, and minimize corruption can both contain conflict and conserve biodiversity.

Human-Wildlife Conflict

High profile human-wildlife conflicts most often occur around the boundaries of protected areas that are home to populations of large mammal species; however, with the ongoing loss of natural habitat and the spread of human settlements into unprotected biodiverse areas, as well as fluctuations in species numbers

(e.g., changes in the equilibrium between "prey" and "predator" animals), interactions between people and wild animals are increasingly common. Wild animals may graze on agricultural crops; hunt domesticated livestock; spread diseases to livestock or people; damage fences and buildings; or in rare cases, directly attack humans. In some places, particularly around protected areas, compensation schemes have been established to reimburse local people for economic losses caused by wildlife; however, some schemes have been criticized for being slow to respond or for providing insufficient compensation. In cases where compensation is not provided or is inadequate, local people may resort to killing wildlife, including protected species, to reduce their economic losses.

If human-wildlife conflict escalates, it can turn into a clash between local communities and conservation personnel, and eventually into a wider community-state conflict. More generally, increased interactions with humans can disrupt the migration, feeding, and mating patterns of wildlife. Management of human-wildlife conflict may involve the establishment of physical or biological barriers (ranging from fencing-in livestock to the use of flags to limit wolf predation), private insurance schemes (which are often more effective than state-managed compensation programs), or managed harvesting of wildlife (e.g., through licensed hunting) to control populations while providing some resources to local communities.[5]

The Use of Biodiversity (Timber, Fish, Wildlife Trade) to Fuel and Fund Armed Conflict

It is no coincidence that many conflict-affected countries rely heavily on the export of raw (unprocessed) natural resources, such as rubber or timber, as well as agricultural produce. In past years in the Democratic Republic of Congo, for example, the value of the annual sale of non-timber forest products, including bushmeat and medicinal plants, is approximately $2 billion. Timber and minerals are also major elements of the national economy.[6] Some countries are resource dependent but have managed to avoid internal struggles. The nature of local and national governance of the extraction and trade in resources will determine whether these processes lead to conflict. After all, while resources are "natural," their extraction, transport, and processing are social and political in nature. In poor governance situations, export of high-value natural resources provides opportunities for taxation and corruption by elites, which – in combination with unemployment, associated with lack of investment in the industrial and manufacturing sectors – can eventually lead to civil unrest and violence. In turn, civil unrest discourages domestic and foreign investment, thereby reinforcing the dependence upon primary exports in a vicious cycle.

As countries move toward armed conflict, such economic elements as trade in natural resources become increasingly intertwined with the illegal or informal economy, aspects of which are often linked with organized crime. Globally, the "shadow economy" of untaxed business – without the inclusion of such inherently illegal activities as drug dealing – represents some $10 trillion annually.[7] While the "criminalization of the economy" may be of great concern to international institutions, the bottom line for local people – and for vulnerability to conflict – is not the extent of criminality but the levels of economic exclusion and structural and physical violence involved in resource extraction and trade. In some cases, systems of resource extraction may be legal and formal in nature, but nonetheless exploitative and conflictual.[8]

In states affected by political instability and violence, the trade in natural resources may be used to fund the purchase of guns and the maintenance of private militia. Illegal trade in natural resources, in particular, becomes enmeshed in broader networks of criminal activity, including drug smuggling and human trafficking. Rebel groups that control border areas or such transit points as ports and airstrips may allow the export of endangered and other valuable species in return for illegal "taxes," putting these flows outside of international monitoring and enforcement mechanisms.

5 Distefano, E. 2004. Human-Wildlife Conflict Worldwide: A collection of case studies, analysis of management strategies and good practices, Rome: FAO.

6 Wolvekamp, P., Schmitz, T., and Anouk, F. 2008. Sustainable forestry in the Democratic Republic of Congo: The way out of poverty and conflict. Both ENDS Policy Note.

7 Neuwirth, R. 2004. Shadow Cities: A Billion Squatters, A New Urban World. Routledge.

8 Le Billon, P. 2001. The political ecology of war: natural resources and armed conflicts. Political Geography 20: 561–584.

The global illicit trade in wildlife may be worth as much as $10 billion annually; key producing areas include sub-Saharan Africa and Southeast Asia, while key "consumers" include China, the United States, and the European Union.[9] The skills and equipment demanded for poaching – weapons; combat training; and the ability to operate unseen in remote, wild locations – overlap with those required for guerilla warfare. It is not surprising, therefore, that non-state armed groups have often been involved in poaching, using the proceeds to fund their armed activities. Examples include ethnic Somali separatists in Kenya, who were involved in poaching elephant and rhinoceros in the 1980s, and more recently the so-called Janjaweed militia in Sudan's Darfur region, who have been poaching elephant from the Zakouma National Park in neighboring Chad since 2003. This latter conflict has also spilled into northern Cameroon, where Sudanese militias have slaughtered elephants in Bouba Ndjida National Park. For recent analysis, see this report on Tusks for Terrorists.

Key Questions

How can conflict sensitivity be built into biodiversity programming?

Biodiversity conservation and natural resource management activities, particularly those that address the allocation of access to resources, have the potential to prevent, mitigate, incite, or fuel conflict. The prevention of further harm and, ultimately, the success of the effort require an awareness and consideration of where the location of the project (region, country, or community) falls on the conflict continuum. CMM describes three stages of conflict: the "pre-conflict" stage, the "during conflict" stage, and the "post-conflict" stage (see Box 69). These stages have differing impacts and implications for ecosystems and biodiversity conservation efforts. The design, implementation, and management of biodiversity conservation programs must continuously integrate and be responsive to conflict dynamics.

In areas of violent conflict, are its negative impacts on biodiversity being taken into account in planning development or emergency aid activities?

Conflict can break down or overwhelm established institutions of ecosystem protection and management, including civil society, law enforcement, military support, protected area management, and government ministries, resulting in neglect of ecosystem management and the human communities that depend on these systems (Box 70). In general in conflict settings, there may be an increase in illegal natural resource extraction, because "no one is home" in the official sphere to stem the flow of criminal activities, and the conflict itself is often financed at least in part by the money that can be made by trafficking in illegally and unsustainably extracted natural resources.

In addition, violent conflict can cause the movement of populations into remote areas and ecosystems, thereby increasing the exploitation of biodiversity in these sensitive regions. On a regional level, the use of environmental information, such as locations of protected areas and zones of high biodiversity, can inform the siting of refugee camps in areas that will have limited negative impacts on local ecosystems.

9 Haken, J. 2008. Transnational Crime in the Developing World. Global Financial Integrity.

BOX 69. THREE STAGES OF CONFLICT

At the **pre-conflict stage**, there may be opportunities to help mitigate or lessen the likelihood that tensions will erupt into outright violence by strengthening natural resource governance; clarifying property rights; and improving communication among stakeholders, such as communities, the government, and the private sector. If not designed and implemented well, biodiversity conservation actions (such as the top-down establishment of protected areas) can quickly precipitate conflict. Conflict assessments are an important tool to help identify potential sources of dispute. The concept of "do no harm" should be embraced throughout development programming and is discussed further below. When conflict becomes imminent, projects may build capacity for key conservation stakeholders to adapt to the difficulties they will face. This is also the time to secure funding, as it may become increasingly difficult to access program funding as conflict worsens.

During violent conflict, appropriate actions may be aimed at securing and protecting the highest- value biological resources, to safeguard them from total destruction. Conservation staff – such as those working in protected areas – will only be able to continue their work if they are seen as neutral in the conflict and demonstrate a capacity to strategize or negotiate their way out of risky situations. Indirect and behind-the-scenes support may be more effective than higher-profile support so that staff can be seen as neutral. Strategic approaches to control illegal resource extraction and trade may also be appropriate. Biodiversity and natural resource-based governance efforts can provide a semblance of stability and a framework for sustainable management during conflict that will benefit human and ecological communities over time. The design and location of camps for internally displaced people (IDPs), refugees, and peacekeeping operations should also take biodiversity concerns into consideration. For example, provision of firewood or sustainably harvested timber (or alternatives to wood) may reduce the extent of tree-cutting in forest areas that serve such camps.

In a **post-conflict** period, there is generally a transition phase to a more stable environment. As governments and institutions are put back in place, displaced populations return home, and combatants seek livelihoods and integration back into society, there are opportunities to promote sustainable approaches to economic development and democratic governance through biodiversity conservation. The post-conflict period also represents risks: Resource exploitation may accelerate in areas that were once off-limits due to active conflict, or victorious armed groups or returning refugees may grab land that is important for biodiversity. In Colombia, for example, as guerilla activity has begun to decrease, the agricultural and mining frontier is pushing into intact Amazon forest with little management or control. In post-genocide Rwanda, large parts of the Akagera National Park were degazetted in order to provide land for returning refugees. In addition, to the extent that resource-related disputes were a factor in the original conflict itself, it is important to focus programming on resolving those issues; e.g., through collaborative governance and management, clarifying tenure, or other approaches.

BOX 70. ILLEGAL FISHING: THE CASE OF JAMAICA'S PEDRO BANKS

Globally, the trade in illegally harvested fish is worth between $4.2 and $9.5 billion. Fisheries located near international borders are often the site of violent encounters between navy or coast guard vessels and foreign fishing boats accused of illegally fishing in sovereign waters. For example, within Jamaica's national waters, Honduran fishing boats on the biodiversity-rich Pedro Banks have been fired upon by the Jamaican Defense Forces, who are tasked with enforcing the international fishery regulations in areas of concentration of valuable conch and lobster. In 2011, several Honduran fishermen were shot and many vessels seized. The prevalence of drug-smuggling operations in the area contributes to the violent nature of the conflict, as many fishermen are equipped with semi-automatic weapons associated with the drug trade.

What conservation actions contribute to peace building?

A UN report highlights some of the main theories of change that pay peace dividends. The report focuses primarily on WASH programs, but the theory is applicable across a wide range of activities in the NRM sectors: To the extent that conservation efforts strengthen governance and build responsive, inclusive, and accountable institutions at national and subnational levels, they can improve state-society relations and lay foundations for a self-sustaining peace. Practitioners can look for opportunities within conservation programs to address grievances that underlie or can trigger violent conflict, or offer a means for the state to reach out to society to (re)build its legitimacy.

There is no blueprint to biodiversity programming in conflict-affected countries, as the situation will vary greatly from place to place and during different phases of conflict. In some cases, significant areas of a country may remain stable, even during the conflict phase, allowing the state and other institutions to maintain a presence. In others, central government may temporarily collapse or be overthrown but NRM institutions may persist, as was the case in Nepal (Box 71).

USAID staff may be able to remain a significant in-country presence in some cases, or they may be completely evacuated, particularly in situations where foreign nationals and employees of international organizations are being targeted. Programming strategies, therefore, may range from maintaining a careful physical presence and running adapted, stripped-down versions of regular programs to completely withdrawing from the country and using policy instruments to influence the trade in particular natural resources, for example. International border areas between hostile states are often off-limits to civilians and, in some cases, may form an area of relatively undisturbed natural regeneration with biodiversity potential.

What about Peace Parks? The potential for transboundary programming and the symbolic aspects of border areas have prompted the establishment of "peace parks" in some parts of the world. In Southern Africa, which has been the site of civil and international conflicts, particularly during the apartheid era in South Africa, a number of countries, including Botswana, Namibia, and South Africa, have established transfrontier conservation areas that straddle international borders and represent areas of significant biodiversity. In the Korean Peninsula, the DMZ Forum and other actors have advocated that the demilitarized zone (DMZ) between North and South Korea, a narrow strip of empty land (2.4 miles wide by 155 miles long), should be transformed into a UNESCO World Heritage Site.[10] The goals are to provide a sanctuary for wildlife and plant species, while generating tourist revenue and also representing a monument to the soldiers and civilians who died during hostilities between the neighbouring countries. This combination of goals and the large physical scale of the areas involved has made the Peace Parks concept widely popular. In some cases, however, the links between conservation and peace building are insufficiently clear. The peace parks concept tends to

10 DMZ Forum. 2011. The DMZ: Description and History.

be driven by international organizations and central governments, and the material and political benefits accruing to local communities may be limited.[11] While international war is often, by definition, driven by governments, the roots of conflict can often be found in local-level political economies characterised by poverty, inequality, and marginalization from governance structures. Therefore, the peace parks concept arguably contributes to peace building to the degree that it can positively transform local political economies, rather than making larger symbolic statements.

More Information

CMM's relevant toolkits – Forests and Conflict, Water and Conflict, and Land and Conflict and the Conflict Assessment Framework (CAF 1.0) are available at http://www.usaid.gov/what-we-do/working-crises-and-conflict/technical-publications

Another good resource on conflict sensitivity is the Conflict Sensitivity Consortium (www.conflictsensitivity.org) that has a How-to Guide on Conflict Sensitivity.

On conflict sensitive M&E, Saferworld has a short module on the subject: http://www.saferworld.org.uk/downloads/pubdocs/chapter_3_module_3_conflict_sensitive_monitoring__414.pdf

Human-Wildlife Conflict Collaboration: http://www.humanwildlifeconflict.org/

ELECTION DAY: A community in Guinea uses a show of hands to elect forest co-management committee members. Cooperative management among farmers, community groups, and government forestry officials protects biodiversity, maintains the forest, and results in equitable sharing of responsibility and benefit among partners. Photo: USAID/Guinea

11 Duffy, R. 2005. Global Politics and Peace Parks. Woodrow Wilson International Center for Scholars, Washington DC.

BOX 71. NEPAL CFUGS IN MAOIST ZONES

Nepal has a network of more than 13,000 Community Forest User Groups (CFUGs). During the 10-year conflict (1996-2006) between the government and Maoist rebels, the international agencies that provided the CFUGs with technical and financial support were largely unable to visit rural locations. The CFUGs came under intense pressure from both government and Maoist institutions, but were generally able to function. In many cases, Maoists saw the CFUGs as legitimate community institutions with ideological similarities to the popularist, peasant-based Maoist political program. Nonetheless, Maoists demanded free supplies of firewood and imposed taxes on the sale of forest products by the CFUGs, meaning that the CFUGs were taxed by both the Maoists and the government. In addition, Maoists used forest areas as training camps and sometimes placed booby traps in forests to prevent government patrols. In retaliation, the Nepalese government declared some forests off-limits to civilians and established military camps in them.

The CFUGs employed various strategies to reduce their vulnerability to criticism or control by the parties to the conflict. To more closely follow the Maoist political program, some CFUGs emphasized pro-poor activities (such as income-generating activities, credit schemes, and construction of small infrastructure projects), rather than their forest conservation objectives. This may have reduced their capacity to manage the forests sustainably in the short term, but it ensured their longer-term survival. Other elements that contributed to the survival of CFUGs included donor support to local NGOs that provided technical support to the groups, and the formal legal status enjoyed by CFUGs, which allowed them to continue to operate even in the absence of a functioning forest department.

U.S. Agency for International Development
1300 Pennsylvania Avenue, NW
Washington, DC 20523
Tel. 202 712 0000
Fax. 202 216 3524
www.usaid.gov/biodiversity