



# Rights, Governance, and Conservation of Biological Diversity

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## Introduction

Losses of biological diversity, or diversity of life at all levels of biological organization, have crossed a boundary beyond which they pose serious consequences for humanity (Rockstrom et al. 2009). Despite enormous effort by state and global actors to arrest declines in biological diversity, rates of deforestation in the tropics remain high (Asner et al. 2009). Centralized state control of forests and other ecosystems, in the form of national parks and other protected areas, has been a dominant conservation paradigm, and it has been fueled by neoliberal approaches in international conservation (Brockington et al. 2008). The protected-area approach has often resulted in adverse effects on the livelihoods of local people (Saberwal et al. 2001; Adams & Hutton 2007). Due to the high spatial correlation between poverty and high levels of biological diversity (Sachs et al. 2009), attempts have been made to link conservation of biological diversity with livelihoods and poverty alleviation (Adams et al. 2004). Such efforts have had limited success due to a lack of understanding of the linkages between poverty and conservation and the absence of state support for alternative approaches (Agrawal & Redford 2006; Lele et al. 2010). Conservation projects in which increasing income is assumed to decrease dependence on resources (Brechin et al. 2002) treat poverty too simply (Sen 1999).

We propose that the process of conservation be reenvisioned to include political empowerment to people, restitution of rights and human dignity, and building of local institutions. A human-rights-based approach increases the role of local communities in conservation and the potential for democratic governance of natural resources. Using India as an example, we offer suggestions for developing decentralized mechanisms to restore

rights to local communities. Our suggestions are applicable to much of the developing world, where poverty and centralized management of protected areas have not curtailed losses of biological diversity and have alienated local communities (Sodhi et al. 2006). We do not assume that rights-based approaches will mitigate loss of biological diversity, but suggest that efforts based on local knowledge, institutions, and practices will empower local communities to better manage biological diversity.

## Forest Rights Act of India

India's Recognition of Forest Rights Act 2006 (RFRA) grants indigenous communities and forest dwellers access to land they have been cultivating and forest resources they have been extracting (Government of India 2006), and marks an important step toward decentralized governance. Debate on the act (Sekhsaria 2007) centers on how to reconcile the needs of millions of forest dwellers and conservation while strengthening local and civil society's involvement in conservation of biological diversity. We offer five suggestions that address both these needs in the context of RFRA.

First, the legislation must be implemented and enforced. The RFRA recognizes the historic injustice to forest dwellers whose traditional lands were expropriated for protected areas and reserved forests without compensation. The act grants forest dwellers the rights to agricultural land and forest resources and most importantly to conserve and manage customary areas. The act focuses on community forest rights as demonstrated by the many types of customary community rights that might be claimed. State agencies, however, have so far given

individual land claims priority over community forest rights (Sathyapalan 2010).

Second, align other forest-related policies with RFRA. Often, success in implementing a policy depends on its alignment with existing policies and bureaucratic norms (Hodges & Durant 1989). In the past state policies have constrained decentralization efforts, but recent legislation such as the National Rural Employment Guarantee Act, Biodiversity Act, and the recently amended Wildlife Protection Act have created opportunities for community-led resource management. In the states of Madhya Pradesh and Orissa, participatory governance policies enabled a speedier implementation of the RFRA than in other states with more restrictive policies (Sampath 2010). In some states implementation of the RFRA is being impeded by state-controlled initiatives, such as Joint Forest Management and the Compensatory Afforestation and Management Planning Authority, which have resulted in disenfranchisement of local people and loss of biological diversity (Ramdas 2009).

Third, allow people to govern themselves and manage their own natural resources (Ribot 2004). The sharing of power among representative local governing institutions and state and federal governments should be negotiated carefully (Leach et al. 1999; Borrini-Feyerabend et al. 2004). The RFRA proposes that *Gram Sabha*, the constitutionally mandated local self-government that includes all members of a community in a legally defined area, be identified as the unit of governance for forest-resource use. The act empowers all rights holders to protect and sustainably manage forests and wildlife and mandates state authorities to work with Gram Sabhas to ensure that forests are jointly managed. Although there are problems with inflexible bureaucracies, vested interests of outsiders, illegal claims, and capture of the resources by elites during the implementation of the RFRA, the opportunities the act presents for collaborative conservation need to be emphasized and encouraged.

Fourth, allow local people and institutions time to interpret the provisions of the act and establish rules and create institutions for its democratic implementation. Kothari (2009) warns that the federal government's push to implement the act quickly, while well meaning, may result in outcomes such as an emphasis on individual rights, exclusion of nonindigenous people, bypassing of Gram Sabhas, and the continued marginalization of women. Taghioff & Menon (2010) describe how the emphasis the RFRA places on indigenous communities has impeded its implementation in villages with diverse religious or ethnic groups. Successful decentralization depends on determining how several state agencies and community institutions might share responsibilities. Democratic decentralization does not diminish the powers of the state; rather, it clarifies the roles of state and lo-

cal actors. Recognizing this, the government announced the establishment of a committee to study the implementation of the act and define the role of various official and other organizations in the conservation and management of forests (Ministry of Environment and Forests 2010).

Fifth, align local knowledge and conservation science so that citizen science and cognitive justice (i.e., diversity of knowledge and equality of those who hold knowledge) are encompassed in the new governance regime (Visvanathan 2005). For the conservation-relevant provisions of the act to be successful many state agencies and village institutions will be required to compile information on the history of land use, status of natural resources, and identification of critical areas to conserve. Such efforts will need to be local and contextual, with protocols determined by Gram Sabhas and augmented by conservation professionals. In the Biligiri Rangaswamy Temple Wildlife Sanctuary (Setty et al. 2008) monitoring of nontimber forest products has expanded to include documentation of local practices of natural resource use, history of land use, and cultural ecology to enable a holistic understanding of land transformation in the sanctuary (Mandal et al. 2010).

## Transforming Local Governance

Following Larson and Soto (2008), who distinguish technocratic decentralization (simple decentralization of state governance) from transformative decentralization (political projects aimed at forging a new contract between citizens and the state), we believe most conservation efforts have relied on technocratic decentralization with the result that they have addressed neither political goals of empowerment nor conservation goals. We believe efforts should now focus on the transformative nature of local governance. Market-based, global, climate change-mitigation instruments derived from forest conservation efforts (e.g., reduced emissions from deforestation and degradation [REDD]) are threatening decentralization efforts in the tropics because national governments and not local institutions are being held accountable for the condition of forests (Phelps et al. 2010). A consistent threat to both biological diversity and local livelihoods is the recent turn in global conservation that converts forest resources and other elements of biological diversity into commodities for sale in distant markets (Nevins & Peluso 2008). A human-rights approach to conservation in developing countries will allow local institutions to seek more equal returns on the global benefits accrued from conservation of biological diversity that are currently being captured by state agencies and conservation groups. We strongly believe decentralization and the vesting of rights to local people are important initial steps in addressing conservation and development issues.

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