Natural Heritage Conservation and Territorial Governance

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Concepts, Practices, Threats and Opportunities in Central Africa

Why have we been invited to reflect and mobilize the students of the Yaounde-based Catholic University of Central Africa on the issue of heritage, particularly natural heritage?[1] The reason is certainly not because nature, within the meaning of heritage, is presently attractive, trendy, popular or promising to Central African youths, but because natural heritage seems to be under threat.

In developing countries, natural and cultural heritage face the same pressures as in developed countries, but do not enjoy the same support, generally resulting in rapid and profound degradation.

Advocates of this heritage therefore think that it is necessary to very quickly identify ongoing processes and the parties with whom to negotiate, as well as the tools to be used and the partners with whom to collaborate to restore the balance of power. It is within this framework that the importance of "territorial governance" for natural heritage conservation will be examined.

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[1] https://www.academia.edu/18213219/Mengue_M.-Th._Saulieu_G._de_Vidal_L._%C3%A9ds_2015._La_nouveaut%C3%A9_du_patrimoine._Actes_de_la_Journ%C3%A9e_Scientifique_Patrimoine_et_D%C3%A9veloppement_UCAC-IRD_novembre_2014

"Natural Heritage"… or "Natural Resource"?

Fashioned by decades of various economic rents (timber, oil and minerals) and fascinated by the globalization of neo-liberal capitalism and growing individual wealth in so-called emerging countries, the majority of members of the Central African political and economic elite want to apply the (so-called) Ricardo's law of comparative costs[2] by basing the sub-region's development on extraction activities and industrial plantations, that is on the exploitation of what is often known as "natural resources".

What are these famous "natural resources"? The analysis of various related public policies, support strategies and assistance programmes shows that the expression is a blanket concept as it may include *living* and *non-living* things, *renewable* and *non-renewable* resources, as well as *goods* and *services*: minerals and hydrocarbons, forests and wildlife, and even water, air, landscapes and stored carbon. In other words, a "natural resource" is anything thing an operator ("supply") can harvest on the planet once there is a buyer ("demand") and a market where they can meet.

What is the link between "natural resources" and the seminar that has brought us together in Yaounde? Given that the same natural entities are often referred to as *heritage* or *resource*: the same forest may be regarded *primarily* as a unique stock of undressed timber and meat, but also and *above all*, as an exceptional mosaic of ecosystems and rare species. The same piece of land may be perceived by some people as a remarkable opportunity for the industrial exploitation of oil palms, and by others as a unique opportunity to preserve landscapes shaped by ages of traditional farming practices. The same elephant could be very profitable dead or alive, depending on whether the actor concerned prefers it dead or alive.

The distinction between resource and heritage profoundly determines the future of these natural entities not only because exploitation and conservation are not always technically *compatible,* as it is generally construed, but because exploiters and conservators do not reach a common ground.

In fact, examples of management that reconciles exploitation and conservation abound worldwide. Thus, it can be that *technically,* consensus-building and the implementation of simultaneous activities are possible provided that the geographical space is appropriate, that resources are mobilized, and… that a majority of *actors* agree on what common interest is. But, that is where the problem lies.

The difference between resource exploitation and natural heritage conservation is not technical, but strictly policy-related in the sense of a confrontation of the values and interests promoted by various human groups.

In concrete terms, the issue here is not whether or not it is more relevant to split up a World Heritage site by constructing roads to link towns and developing oil wells or to preserve it in a network of public and private protected areas for tourist purposes which plays an important acculturation role. Rather, this discussion seeks to understand *who, for whom* and *how* such decisions are taken.

This is because the exploitation and conservation of natural entities are generally not supported by the same groups of people: thus, it is less a discussion on competing

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[2] According to the theory developed in 1817 by the British economist, David Ricardo, in a free market, the wealth of a country that specializes in an economic activity in which it has a comparative advantage will increase.

economic or political concepts than on power relationships between groups of social actors with different interests. Though technically it is possible to reconcile different approaches, is it also possible to reconcile the values and interests of the social groups promoting them?

Natural Heritage Governance: by Whom?

This presentation does not focus on natural heritage-related values and interests, though they constitute an important domain of reflection on which most actors (public authorities in Central Africa, national and international scientists, consultants, international NGOs, national civil society associations, *etc.*) are reluctant to embark. They prefer to limit themselves to technical controversies confined within the domain agreed on by real experts, so to speak, that is the utilitarian paradigm – of what *use* is nature, whether exploited or conserved? (see various discussions on the resultant *value* of the environment).

This paper does not focus on the political, economic, social and cultural values ensuing from the qualification of nature as heritage or as resource. Rather, it examines the conditions of such qualification and arbitration. Therefore, it is not a holistic reflection that can shed light on all policy negotiations, but a pragmatic reflection that focuses on the second phase of the democratic process as described by the following famous quotation ascribed to Paul Ricœur: "a democratic society is one that is considered divided, that is characterized by conflicting interests, and which seeks to associate each citizen on an equal basis to *express, analyze and examine those contradictions in order to achieve arbitration"* (underlined by the author).

In other words, it does not examine the conflicting interests themselves, but focuses on the conditions for associating citizens in the expression, analysis, discussion and arbitration of these conflicting interests. It does not indicate the conflicting interests affecting the management of natural heritage, but directly focuses on the conditions of action to understand *who and how decisions* concerning such heritage are made. The "who and how" is what will later be referred to as the *governance* of heritage (see also the contradictory reflections concerning the definition of the term *governance*).

As simply defined, governance comprises two components: "who" takes decisions and "how" are they taken. Concerning the governance of natural heritage in Central Africa, we will begin by examining the actors that participate in decision making, that is the actors technocrats refer to as "stakeholders". Although these actors are quite many and varied, that has not always been the case. Some two or three hundred years ago, what is considered as natural heritage in our era used to be negotiated and decided by two categories of actors, namely the big European traders who took part in the triangular trade and the local leaders of the African coast (kings, notables, lineage heads, *etc.*) who controlled trade with the hinterland. During the XIXth century, these traders were replaced by European operators who established and imposed themselves as sector negotiators.

Where such trade negotiations were concluded under the guise of international negotiations during the colonial period, Western political leaders and so-called State actors played an increasingly prominent role in negotiations on natural heritage/resources.

After independence, the political leaders of newly independent nations sat on the table of negotiation on natural heritage/resources. A few years later, with the advent of international borrowings, and much more at the end of the thirty-year post-war boom known as "the 30 boom years" and the advent of structural adjustment programmes, institutional donors played a key role in an increasing number of decisions, including those regarding the future of the environment.

When the Cold War ended, the global environmental crisis arose and the number of non-profit organizations, also known as non-governmental organizations (NGOs), operating in most traditional public sectors, as well as official development assistance, increased. International conservation NGOs rapidly gained access to and prominence in negotiations. Conversely, national and local NGOs were admitted to such fora more slowly and played only minor roles, as if their role was only to support the actions of the former.

In passing, it should be underscored that most of the international NGOs operating in the environmental sector in Central Africa act as technical partners of States rather than lobbyist and counterbalancing power. In fact, they preferred joining the institutional donors of these States which also often finance such international NGOs. These institutions include international applied research institutes and (private or semi-public) consulting agencies which form a fairly homogeneous group dubbed "technical and financial partners" (**TFPs**). For their part, the international newspeak (usually of Anglo-Saxon origin) tends to classify national and local associations as "civil society organizations" (**CSOs**).

Lastly, after the long process of mainstreaming various *stakeholders*, one wonders if today a category of actors concerned by natural heritage is not involved in negotiations organized here and there in Central African countries? Of course, the answer is yes; central political actors are absent, at least when such negotiations are considered within a democratic and even republican framework (which, constitutionally, is that of most Central African States). Citizens or their representatives or their elected representatives are absent.

This is because in Central Africa (and certainly elsewhere), in occasional and discreet natural heritage management negotiation meetings[3] decisions are taken without the participation of citizens or their representatives.

Two points should be recalled here. First, the officials of ministries or other public establishments (irrespective of their levels of responsibility) who participate in these negotiations represent their respective government services and, therefore, their respective States. However, they do not *directly* represent their countries' citizens (they are not elected and are not answerable to them). Second, though elected national representatives vote major laws that govern the future of natural heritage (with the level of discussion generally authorized beforehand by the President), it should be noted that most relevant legal and regulatory instruments are drafted, negotiated and adopted outside parliament (see, for example, the numerous presidential ordinances relating to this sector, which are validated as such by member of parliament). Lastly, it should be underscored that given the actual situation of political decentralization in most countries in the sub-region, local elected officials hardly participate in such negotiations.

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[3] "rare and discreet meetings" which strangely contrast with the numerous information or consultation workshops organized which generally produce no concrete results …

Natural Heritage Governance: how?

Once the actors likely to have access to the table of negotiation on the future of natural heritage are known, it is necessary to clarify the terms and conditions of such negotiation. To that end, it is necessary, first of all, to examine how information is shared between the negotiators, how discussions are organized during such negotiations and, lastly, how the outcomes of these decisions come back to the negotiating table. In short, what are the rules of the game and how are they respected?

The present conditions of natural heritage governance which, in theory, are characterized by a large number of negotiators, differ from those of the last century where there were few negotiators. However, they are their legatees, hence the delay and inertia of the rules of the game which are, however, changing.

For instance, information sharing upstream seems to be more balanced between parties than between negotiators. However, it is still mainly determined by the historic hierarchy. In fact, operators generally obtain information from the highest level, followed by State representatives and their "technical and financial partners" (donors and international technical advisors and TFPs), national and local associations, and elected officials and their electors - citizens.

Similarly, during the initiation and conduct of public discussions where decisions on natural heritage are generally considered as legal and regulatory, State actors usually spearhead negotiations and decide the role to be assigned to the other parties, particularly TFPs and CSOs (see definitions above), and sometimes elected officials. However, it is necessary to emphasize two key elements which relativize this apparent State leadership: first, Central African States rarely allocate financial resources for the organization of these public negotiations and, de facto, these more or less large "gatherings" are almost always financed by the donors that initiate them (usually under the auspices of one technical partner or the other). Thus, one can rightly wonder if the actual forerunners of these public negotiations on the environment are not TFPs rather than States. On the other hand, in practice, nature operators virtually never participate in public negotiations on the future of nature heritage because they are not invited thereto by public bodies (or TFPs), or because they do not have time to participate in such negotiations which to them are time-consuming. This issue requires further consideration: in fact, it is obvious that operators, who are the key actors of the future of natural heritage, do not have the time and money to participate in such negotiations because based on their usual cost/benefit analysis, the potential (positive or negative) impacts of such public negotiations on their profits is minimal ... Thus, it can be concluded that these public negotiations are not taken seriously, at least by the private sector; private negotiations inevitably take place because it is difficult to imagine that the largest nature operators *hardly* negotiate with States. This assumption buttresses the idea that information is not shared evenly between actors (opacity as opposed to transparency) and suggests that the participation of all stakeholders in effective negotiations are still farfetched (exclusion instead of inclusion). This is particularly true of the participation of field actors who are hardly ever invited to public negotiations and perhaps never in private negotiations. This is the exact opposite of the principle of subsidiarity! The separation of public and private negotiations on the environment implies that the decisions taken by one party have very little impact on those taken by another.

However, public negotiations are reflected in public assistance projects for so-called sustainable natural heritage or resource development, while private negotiations are translated into private projects for the exploitation of natural resources. All these projects are negotiated, placed under the auspices of the State, and largely supported by the same institutional donors. Yet, the public projects implemented by *partners,* and the private projects implemented by *enterprises* almost always operate separately and without any interaction.

One may question if downstream these negotiations, decisions and project start-ups, intermediate and final outcomes are returned to the negotiating table to be jointly examined and if, where necessary (but it is difficult to imagine the contrary), they lead to new negotiations and decisions reached between the relevant actors. In Central Africa, it is obvious that such *accountability* is very unlikely. It is clear that when project negotiation and implementation are carried out in an obscure and exclusive manner, without involving field actors, the outcome is nil; those responsible for their success are hardly rewarded and those responsible for failure hardly punished.

In fact, mechanisms for accountability are virtually absent. First, all channels of negotiation, decision and action are developed by leaders on an *ad hoc* basis, that is in the form of projects and, hence, without interacting with permanent mechanisms (beginning with the national representation of citizens). Second, the negotiators of such projects almost never mainstream accountability into their plans, especially their financing, beyond technical and financial audits which, at best, give rise to possible post-project accounting adjustments. In practice, this implies that such negotiated processes are interrupted before accounts are rendered to all the negotiators initially involved (at least publicly).

The assessment of the governance of natural (heritage or resources) in Central Africa is negative: the so-called rules of "good governance", especially transparency, inclusion, subsidiarity and accountability are apparently not applied.

The "territory": an appropriate level of reflection, decision and/or action?

This conclusion itself is of no importance and it is even a good example of a cliché. It should be complemented by adding that rules of good governance "do not appear to be applied by the *actors* of governance". In fact, failure to deepen this reflection contravenes the rules of good governance because the issue is examined while excluding the actors (which is an infringement of the principle of inclusion and subsidiarity!), by keeping their relationships ambiguous (violation of the principle of transparency!), by not questioning their respective responsibilities (violation of the principle of accountability!).

Though the rules of team work (as groups and not individuals are concerned here – contrary to what some rather simplistic theories hold) are not respected, one may conclude that those who have the authority to enforce them do not do so. Who are those wielding authority to enforce rules? In the natural (heritage or resources) sector in Central Africa, political power is held by the central government (counter force of the legislative or decentralized government, *etc*.), particularly by its leader, while financial power is mainly held by private operators (particularly major operators most of whom are international operators) and institutional donors who are more or less relayed by their sub-contractors (technical partners). These two or three categories of actors who hold most of the power, therefore, are to be blamed for non-compliance with the rules.

The issue is how to induce those in authority to ensure compliance with rules in order to improve the situation? The simplest and most obvious answer is: by exerting pressure on them. In other words, if leaders who are team owners and leaders and/or referees do not ensure compliance with rules from top to down, mere actors (particularly spectators who pay their entry tickets) will exert pressure on such leaders from the bottom to the top. Some people believe that an "enlightened despot" can impose good governance from the top. This expectation is still widely held even beyond Africa, but examples of lasting success stories are very rare.

How can such pressure be exerted? The methods and tools used are diverse and their relevance mainly depends on the context. However, it is not possible here to present a detailed analysis of the relevance of each method or political influence tool emanating from bottom in relation with sector characteristics. Since the issue raised during the UCAC Yaounde seminar targets a specific framework for mobilizing thee tools and approaches, this presentation will be limited to territory. Therefore, the question is, what, compared with the national, regional or global framework, is the relevance of the territorial framework for the exercise of this pressure from the bottom to the top?

Before attempting to answer this question, perhaps it is necessary to briefly recall the definition of territory: for example, one may retain the definition of territory proposed in *Les Mots de la Géographie* (Brunet, Ferras & Thery 1992) as the projection on a given area of the specific entities of a human group, including space delimitation, management, and development. In addition, Joël Bonnemaison (Bonnemaison 1981) defines territory as the political, symbolic and cultural space shaped by a given group; it is the space that the group defends, but also – and above all – by which it is identified.

In short, territory is the space where a human group is settled recognized. In Central Africa, especially in the Congo Basin, it is obvious, given human and forest densities, that territory is a *potential central* framework for (top-down and bottom-up) negotiations between actors on the future of natural heritage. Besides, it should be noted that the opposition between

natural heritage (with multiple use values) and natural resources (particularly with exchange values) is similar to that between territory and space. Although the latter is now considered as the physical medium of essentially global economic production relationships ("global system"), the territory, according to Joël Bonnemaison (1981, 1995) is, like its opposite, linked to a restricted worldview, a culture and a specific political history which are not global. Although researchers manipulate the concept, is the *central potential* for negotiation which seems to be specific to Central Africa actually mobilized by actors? Moreover, can rules of nature governance be better complied with here than elsewhere?

Before providing an answer and, in line with the actor-based methodology, it is necessary to question the assumption that q territory is an appropriate framework for improving environmental governance. Or, should one say (in keeping with rues of good governance!), who and in what way did this assumption become an issue of negotiation?

First, interest in this level of political negotiation is not peculiar to Central African States because, apart from Cameroon and DRC, the issue of decentralization in most of the other ECCAS Member States is still at the stage of major abstract orientation. Are CSOs and other field actors, particularly local elected officials responsible for giving prominence to this issue? Considering influence on debates (beside Cameroon and, perhaps, DRC), nothing shows that these actors are can promote this approach in Central Africa. Thus, it is likely that TFPs are introducing territory as a relevant scale in the official development assistance (**ODA**) agenda in the heritage or natural resource sector.

Why are TFPs interested in this issue? One may think that European TFPs prefer to simply "transpose" this approach in Central Africa since the region has become a major sphere for negotiation and political action in Europe. However, given the numerous and clear differences existing between Europe and Central Africa, this assumption should be ruled out because such transposition seems too simplistic.

Do TFPs consider from the 2010s that the territorial framework enables ODA to be more efficient or effective[4] as they thought about regional framework in the 2000s? However, the economies of scale expected from supranational projects do not seem to have lived up to expectation regarding their efficacy and efficiency in building consensus. Is there any hope that subnational projects will perform better in future?

In fact, appears as though TFPs are interested in supranational and subnational frameworks because they are more efficient, but rather because they help to circumvent obstacles. In fact, TFPs unanimously recognize (though discreetly) that there are deep-rooted and recurrent programme design and implementation problems at the national level (particularly in central services); and wish to circumvent them at the upper level (many regional projects) or lower level (territorial project, being designed).

However, one may ask whether it is more effective and efficient to circumvent these problems than to try to resolve them, particularly if the problems encountered at the national level also exist at the supranational and subnational levels. Thus, TFPs continue to support the "lack of capacity" (financial, human and logistical) theory of decision makers, or admit that the problem is poor public governance (opacity, exclusion and above, all impunity), it is obvious that the same problems are faced at the supranational level. For example, the three regional organizations established some 10 years to control the environmental sector in

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[4] "Efficacy": the capacity of the action (of an actor and organization) to achieve an outcome. An action can be very effective but inefficient, particularly because it is very costly.

Central Africa (namely ATO[5], ADIE[6] and OCFSA[7]) are inactive due to lack of concrete commitments by their State parties, and it could be the same for COMIFAC[8] if TFPs do not replace State parties in financing its Executive Secretariat through various projects.

Thus, it is doubtful that it is more effective and efficient for PTF to circumvent problems of capacity and/or governance at the national level to develop projects at the territorial level. However, perhaps their objective is not to promote this new level of action: perhaps PTFs target the territorial framework because it is more legitimate?

A legitimate framework is one that is based on legal, but also ethical and moral principles, which better allows for consensus building among individuals or groups of individuals on a proposed course of action. Specifically, after completing negotiations by once more adapting the issue of natural heritage governance, the aim is determine if the legitimacy of the territorial framework is more likely to enable non-leaders to exert pressure on leaders in order to improve the governance of natural heritage.

It may seem so because in comparison with the legitimacy of other frameworks of negotiation/action (national, regional or global) and in view of the equilibrium to be established between the actors concerned by natural heritage, the legitimacy of the territory has the following advantages: in Central Africa, the legal bases of territories, from the positive and administrative viewpoints, are comparatively less complex and robust than the national or international legal mechanisms established by central State actors and international TFPs (more or less for their benefit or one of their leaders). Thus, non-leading actors consider themselves less dominated during negotiations at the territorial than national level or beyond. In addition, though on the decline in Africa and worldwide, customary legal bases still have sufficient legitimacy in territories to provide an additional leeway in negotiation for local traditional leaders and the CSOs that claim to represent them. From the legitimate and ethical standpoints, the arguments of national and global leaders are usually inspired by Western and urban models which are more keenly challenged at the territorial level (compared to the national or regional level) by local communities. Traditional leaders or CSOs (and even international NGOs or the media) emphasize African and rural ethical systems. *Lastly*, non-leading actors consider territories as frameworks where they can negotiate with the private loggers, irrespective of their size, including the use of "force", which seems impossible, and therefore less legitimate to them, at the national and global levels.

The assumption here, which is perceived by non-leaders as more legitimate, is that the territory is a framework in which they can exert more pressure on leaders to oblige them to comply with the rules of the game and that the territory is therefore a framework for improving natural heritage governance.

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5 African Timber Organization - no updated website (however, see http://www.panapress.com/Problemes-de-fonctionnement-a-l-Organisation-africaine-du-bois--13-698413-18-lang4-index.html). www.panapress.com/Problemes-de-fonctionnement-a-l-Org anisation- africaine-du-bois--13-698413-18-lang4-index.html).
6 Environmental Information Development Agency - no updated website (but see http://www.gabonactu.com/2015/04/ladie-entre-la-vie-et-la-mort/).
7 Organization for the Conservation of Wildlife in Africa - no updated website (but see http://mutations-online.info/2015/06/18/un-systeme-de-lutte-contre-le-braconnage-pour-lafrique-centrale-en-gestation/).
[8] Central African Forest Commission.

Conclusion

Natural heritage is threatened by various forms of exploitation throughout Central Africa. These forms of exploitation are, however, justified by development requirements, which, from the onset, are opposed to heritage conservation. The sustainable development promoted by the green economy, however, seeks to reconcile economic development and natural resource conservation. Pending the advent of this economic model in the region, and besides a few high-profile cases, conventional development requirements continue to prevail over those of conservation.

Thus formulated, this provisional conclusion is hardly of any interest as it does not describe almost commonplace milieus, analyse or explain anything. The reason for this is simple, but important: it does not say who carries out sustainable exploitation, poses a threat to or conserves natural resources, promotes or mediatizes natural resources, requires or imposes, without even mentioning how. This provisional conclusion is characteristically apolitical, that is devoid of actors and power relations, and hence, saturates the space of debate, while lying by omission and, thus, maintains the *status quo* - which is the raison d'être of the prevarication on which it hinges.

Nonetheless, the question is who stands to gain by changing the *status quo* leading to a slow and steady, but fatal destruction of natural heritage in Central Africa, even before a corrective strategy is adopted? It is necessary to break with the prevarication in form, but also in substance. It is necessary to designate actors and disclose how and by whom decisions concerning this endangered natural heritage are taken - that is, update the governance of nature, and bring it out into the open, as it were.

In most cases, this governance is bad in view of the four major principles of inclusion, subsidiarity, transparency and accountability: decision making concerning natural heritage in Central Africa (1) excludes most stakeholders, (2) particularly those who are closer to the ground and are the most affected by the impacts, (3) without sharing of the information needed in negotiations, and *in fine* (4) without decision makers rendering account of the positive or negative consequences of their actions.

Rules of good environmental governance are not complied with because those who have the powers to ensure their compliance (team owners, captains, referees, etc.) do not use such powers for that purpose. In the absence of a higher authority that would ensure compliance with such rules "top-down", it is up to non-leaders who have no authority, but are numerous - and often suffer more from the poor management of natural heritage - to exert mount pressure on decision makers from the bottom to the top.

The question "how?" is very broad to be fully answered here. We will limit this presentation to the question: at what level? This is because it somewhat relativizes the power of central State actors and their international partners, while exposing industrial loggers. The territory is a framework where non-leaders can more spontaneously and effectively exert pressure on leaders to ensure that rules of good environmental governance are complied with.

However, besides good environmental governance, will decision making in Central Africa guarantee the adoption of good decisions for natural heritage governance? The answer is no. This is because that will only ensure that the game is played fairly among the different teams involved, each continuing to seek to achieve its own interests.

From this viewpoint, an issue that extends beyond the decision-making process, comes to mind: for several decades now, after flawless or unclear negotiations, Central Africa policymakers have opted for the ever-increasing exploitation of natural resources on the grounds that it is a *prerequisite* for "development for all". However, though some policymakers have become apparently rich, the average well-being of the people of Central Africa is hardly keeping pace with the rate of exploitation of their natural resources. Time is now running out as many of these natural resources (renewable or not) are now in danger of extinction. Consequently, it is perhaps time for the citizens of Central African States to demand that elected leaders and those for whom these elected leaders have granted logging concessions should be more accountable.

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