Is there a right to resist?

– A philosophical survey of the people and parks paradigm -

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2003a (The Chiang Mai paper)

Abstract: Resettlements resolving from conservation projects started in Central Africa as consequences of the famous Rio-Conference, which declared the conservation of biodiversity and the creation of national parks as priorities. Relocation of people living inside protected areas is therefore on the increase, but hardly any resettlement of inhabitants of national parks has been successful. These failures resulted mostly in a resistance to move. To solve this problem conservation projects in some cases used the argument of force, after the force of argument had failed. The reasons for and impact of this conflict will be surveyed. On the basis of different approaches of national parks in Equatorial Guinea, Cameroon, Central African Republic, Congo (Brazzaville) and Gabon, the paper reviews and evaluates the different conceptualisations and perceptions. As consequence, the paper questions the legitimacy of displacements resolving from conservation in a broader philosophical context incl. human rights and the concept of intergenerational justice.

Earlier versions of this paper were presented at the 8th Biannual Conference of the International Association for the Study of Forced Migration (IASFM) (Chiang Mai, Thailand, January 5-9, 2003) and at the "International Symposium on resettlement and Social Development" (Hohai University, Nanjing, PR. China, May 12-14, 2002).

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The Subject: CIDR = Conservation induced displacement and resettlement

The idea of conservation is probably as old as the human species. It arises from the observation that certain elements, which are considered as being useful for mankind, are disappearing from a given environment due to overuse or natural phenomena. Plato framed this feeling:"What now remains compared with what then existed is like the skeleton of a sick man, all the fat and soft earth having been wasted away, and only the bare framework of the land being left"(Plato 1961: 389c). In the sixth century BC Yi Zhou Shu recommends: "Do not cut down the trees during the spring in order to benefit the growth of herbs. Do not fish the rivers and lakes during the summer in order to benefit the growth of fish and other aquatic life" (quoted in Li 1993: 241) and in Indonesia the first nature reserve was established in the year 684 AD (Mishra 1994). Forests, rivers and lakes have been protected in that line to maximise the benefit of people using them or to provide a setting for royal hunting (Nash 1967, Thomas 1983). Temple gardens have been preserved over the centuries in China and Japan and the cedars of Lebanon were maintained around holy places to improve the aesthetic and recreational value of these cultural sites. But the preservation of nature resulting from these conservation measurements was fortuitous rather than intentional. Although nature has been protected since ancient times, the reasons for doing so have changed. While conservation has till recent solely protected some special features that were of value to people utilising this nature, nowadays nature is conserved for its own sake.

The idea of preserving wild areas for their own value had its origin in the United States with Catlin, Thoreau, Muir, and others of similar mind (Shabecoff 1993, Runte 1979, Nash 1989). The Sierra Club founded in 1892 called on men to live in harmony with nature following the romantic masterpiece "Walden" (Thoreau 1854). Even before, the Yellowstone national park was created as the first of its kind in 1872 (Oelschaeger 1991). Following the scramble for Africa, the colonial powers realised that the "advance of civilisation, with its noise and agitation, is fatally disturbing to the primitive forms of animal life" (Times 30/5/1900 quoted in: Bonner 1993:40). While it has to be questioned whether the colonisation was an "advance of civilisation", it is definitely true that the European and American lust for ivory, horns and skins increased the human impact on the African ecosystems. The various colonial powers gathered in London in May 1900 to establish a management system for the natural resources, which they just have taken possession of. The *Convention for the Preservation of Animals, Birds and Fish in Africa* was signed and transferred into colonial law (MacKenzie 1988, Bonner 1993). The German colonial administration for example prohibited the hunting of elephants the same year (RKA 4239:133) and the French colonial authorities placed gorillas, chimpanzees, giraffes and some other species under complete protection (Anderson & Grove 1987).

Over the years, conservation has acquired many connotations: to some it has meant the protection of wild nature, to others the sustainable utilisation of natural resources. While the appreciation of wild nature resulted from romantic reflections, it is nowadays acquired with scientific knowledge, particularly ecological knowledge. The most widely accepted definition was elaborated by the major conservation organisations in the *World*

Conservation Strategy in 1980. The document gave conservation the meaning of "the management of human use of the biosphere so that it may yield the greatest sustainable benefit while maintaining its potential to meet the needs and aspirations of future generations" (IUCN et al. 1981: 24). The document defines the objectives of the conservation of living resources as: maintenance of essential ecological processes and life-support systems, preservation of genetic diversity, and guarantee of the sustainable use of species and ecosystems. More generally, "conservation involves practices that perpetuate the resources of the earth on which human beings depend and that maintain the diversity of living organisms that share the planet" (Encyclopædia Britannica 2001). Especially those ecosystems, which are not affected by human activities, are considered to be worth preserving for a variety of reasons:

- A scientific benefit can be derived from studying them, particularly concerning the functioning of the biosphere. It is assumed, that from studies of undisturbed ecosystems much can be learned about the functioning of modified systems.
- More or less undisturbed ecosystems are said to be important for the functioning of those systems that people have created.
- It is also claimed that there are aesthetic and recreational values attached to wild areas and wildlife. That is the etymological background of the word 'national park': "It appears that outdoor activities in a natural setting or contact with plants and animals in a wild state are important to psychological well-being, because people of all races and cultures seek such experiences when they achieve the affluence that enables them to do so" (Nelson & Serafin 1997: 43).

Ecosystems can be protected in a variety of ways, depending upon the desired objectives and threats. The *Global Biodiversity Strategy* (WRI et al. 1992) has identified six fundamental causes of biodiversity loss. These are: the unsustainably high rate of human population growth and natural resource consumption; the steadily narrowing spectrum of traded products from agriculture, forestry and fishery; economic systems that fail to value the environment and its resources; inequity in the ownership, management and flow of benefits from both the use and conservation of biological resources; deficiencies in knowledge and its application; and legal and institutional systems that promote unsustainable exploitation. To protect ecosystems against these threats out of the above stated reasons, the *International Convention on Biological Diversity* – the Rio Treaty from 1992 - states:

"Each contracting party shall, as far as possible and as appropriate:

a) establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity; and
b) develop, were necessary, guidelines for the selection, establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity." (UN 1993: § 8)

This paper will focus on those protected areas, which try to conserve the full array of wild species. While such communities were becoming increasingly rare, the desire to protect them became increasingly popular. In Central Africa - the study area -,

governmental institutions, bilateral governmental agencies such as DFID, GTZ, ECOFAC etc. and international agencies such as UNEP, GEF, IUCN, WWF, WCS, etc. have adapted strategies to protect as much undisturbed forest as possible (Weber et al 2001, CARPE 2001, Ribot 1999). The reasons for that are quite obvious, if one reviews the data presented in Table 1.

Country	Total Area km^2	Original Tropical Forest in km^2	Remaining Tropical Forest (1992) km^2	Forest Loss (%)	Remaining wildlife habitat (1995) km^2	Habitat loss (%)	Protected Forest (1994) km^2	Protected Forest (2002) km^2	Protected Forests (2002) (% of remaining forest)	Population Density (1995) people / km^2
Cameroon	475,440	376,900	155,330	59	192,000	59	11,339	26,135	16.8	28.4
Central African Republic	622,980	324,500	52,236	84	274,000	56	4,335	4,335	8.3	5.3
Equatorial Guinea	28,050	26,000	17,004	35	13,000	54	3,145	8,295	48.8	14.3
Gabon	267,670	258,000	227,500	12	174,000	35	17,972	23,972	10.5	5.1
Nigeria	910,770	421,000	38,620	91	230,000	75	2,162	2,162	5.6	122.7
Republic Congo	341,500	341,500	212,400	38	172,000	49	12,106	27,136	12.8	7.6
Total / Average	2,646,410	1,747,900	703,090	∅ 60	1,055,000	∅ 60	51,056	92,035	13.1	∅ 50.2

Tab. 1: General data on deforestation and level of protection in the research region.[1] **Source:** Naughton-Treves & Weber 2001: 31-33; Perrings 2000: 14; Data 2002: COMIFAC 2002.

On average, 60 % of the tropical forest and 60 % of the wildlife habitat have been destroyed and in some countries (Nigeria & C.A.R.) hardly any forest is left. The Yaoundé Declaration of 1999, ratified by 7 Central African heads of state (the state mentioned above & Chad + Democratic Republic of Congo, but without Nigeria), expresses the mutual content, that the establishment of national parks and other protected areas all over the sub region is the most effective instrument to protect nature (Sommet 1999: 3). Following the Yaoundé Declaration, the countries fulfilled their 'promises'. They nearly doubled the surface area of protected forests in the region through the creation of national parks and the enlargement of the surface area of already existing national parks.[2] These national parks are internationally defined as "natural area of land and/or sea, designated to (a) protect the ecological integrity of one or more ecosystems for present and future generations, (b) exclude exploitation or occupation

[1] Remote sensing, which is the basis of all estimates on surface areas covered by forests or serving as wildlife habitat, is a quite new approach. Due to the fact, that satellite images are only available for the last twenty years, the data on the area covered originally by rainforest is very much in the discussion. Wilkie & Laporte (2001) document a variation of up to 50 % in the estimates of the various organizations working on that subject. In the line of the work of Fairhead & Leach (1996) some scientist even raised the question, if the search for an "original forest" is not a useless exercise, since the forest is at least to some extent the result of the human utilisation of the area.

[2] On June 28th, 2002 the head of states in the central African sub region informed the public about new national parks, which will be created or which have been created since 2000 as commitment of the Rio Treaty and the Declaration of Yaoundé: Six new national parks, with a surface area of 14,796 km^2 have been created or are in the process of creation in Cameroon. One of these new parks (Lake Lobeke NP) is covered in this study. Gabon demarcated a new protected area with 6,000 km^2 (Minkebe) in 2000, Equatorial Guinea announced the establishment of a new national park with 5,150 km^2 (Nsoc, which is covered in this study) and the Republic of Congo enlarged the Odzala National Park (covered in the study – but the park was visited before the enlargement) from 2,800 to 13,000 km^2 and the Conkouati-Douli National Park from 1,260 to 5,090 km^2 (COMIFAC 2002:1).

that is inimical to the assigned purposes of the area, and (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible" (IUCN 1994).

The idea to protect African forests and wildlife through national parks is not new. While the American national parks protect landscapes such as Grand Canyon, Shenandoah and Mount Rainier, national parks in Africa were created to protect wildlife right from the beginning. The Albert National Park (today's Virunga National Park in the D.R. Congo) was created solely for the protection of mountain gorillas in 1925. The following year the famous Kruger National Park was set aside and in 1933 ministers and officials from the nine colonial powers ruling Africa signed the *Convention Relative to the Preservation of Fauna and Flora in their Natural State.* The signing parties declared their will to establish national parks and other protected areas in their territories (in: Sournia 1998: 247/8) but their main focus was not so much the rainforests, but the savannah utilised for game hunting and hunting for horn and ivory. In their view, there was no need to protect the forests of the Congo-basin, since they conceptualised these areas as uninhabited wilderness. But their perception of the Central African rainforests as a vast wilderness with abundant freely ranging wild animals waiting for researchers and tourists to study and enjoy, is erroneous and based on myths. There is no 'no man's lands' of any biological importance, since an environment with a dense biodiversity is a fruitful area to live in. The so-called wilderness marked green on the colonial maps is often communal land shared between villages or used by hunter-gatherer societies (Naughton-Treves & Weber 2001). Nevertheless, certain areas were prospected in the last years as 'gifts to the earth'[3] or national parks. So what happened to the people living there and utilising the area for their livelihood?

IUCN recommended some years ago, "that the establishment of protected areas should not lead to the dislocation of native people, and their indigenous life-style should not be disrupted, providing that these in themselves do not lead to the reduction of the ecological integrity of the area" (12th General Assembly 1975; quoted in: Eidsvik 1990). While this trap for endless discussion on the man-nature interaction remains for now untouched, literature prescribes two consequences following the logic of this catch-22:

- "Promote the relocation of inhabitants (for urgent ecological reasons), with the consent of the affected parties; or
- Integration of local inhabitants into the park concept, with the establishment of continuous environmental education and awareness programs, and at the same time seeking alternative sources of income that will reduce the pressure on natural resources" (Amend & Amend 1995: 461).

Between 1996 and 2002, I carried out surveys in those nine protected areas and national parks in the Congo basin listed in table 2. Some visits resulted from consultancy contracts directly related to resettlement, dislocation and questions of landownership, others were official or private project visits.

[3] A "gift to the earth" is defined by the WWF as …….. XXXXXXXXXX

Name (1)	Country	Promoter (2)	Total Area in km^2 (3)	Year of visit	Impact on local populace (4)	Population (5)	Compen-sation (6)	Success? (7)
Korup National Park	Cameroon	WWF	1,259	1997 - 2002	Involuntary resettlement of villages "Expropriation" of traditional land use title	1,465	Yes No	No No
Lake Lobeke National Park	Cameroon	WWF	4,000	1999, 2002	Expulsion of Pygmy-bands "Expropriation" of traditional land use title	~ 8,000	No Partly	No No
Dzanga-Ndoki National Park	Central African Rep.	WWF	1,220	2000, 2002	Expulsion of Pygmy-bands "Expropriation" of traditional land use title	350	No Partly	No No
Nsoc National Park	Equatorial Guinea	ECOFAC	5,150	1998	Expulsion of settlements "Expropriation" of traditional land use title	10,197	No No	No No
Gamba protected areas complex	Gabon	WWF	7,000	1997	Expulsion of settlements "Expropriation" of traditional land use title	~ 12,600	Partly Partly	No No
Ipassa-Mingouli Biosphere Reserve	Gabon	ECOFAC	100	1997	Expulsion of Pygmy-bands "Expropriation" of traditional land use title	110	No Partly	No No
Cross-River NP. Okwangwo Division	Nigeria	WWF	920	2001, 2002	Involuntary resettlement of villages "Expropriation" of traditional land use title	2,876	Yes No	Has not yet started
Noubale Ndoki National Park	Republic of Congo	WCS	3,865	1999, 2001	Expulsion of Pygmy-bands "Expropriation" of traditional land use title	~ 5,802	No Yes	No Yes
Odzala National Park	Republic of Congo	ECOFAC	13,000	1996	Expulsion of Pygmy-bands "Expropriation" of traditional land use title	9,750	No No	No No
Total			36,514			51,150		

Tab.2. List of the protected areas covered in this study.

Sources and definition: 1= Some parks have not yet a clear defined name (c.f. Nsoc National Park, which is situated south of the village Nsoc) or different names (c.f. Gamba protected area complex is called in some French publications Setté-Cama – Sournia1998: 110). 2= A "Promoter" is in my understanding an organisation, which appealed to and "assisted" the national government in the implementation of the specific national park. 3= See Schmidt-Soltau 2002c. 4 = While an "involuntary resettlement" is an organised approach in which the local population receives assistants through the national government and/or the promoter of the national park is an "expulsion" a displacement without assistants. A village or settlement is permanently inhabited by the rural populations. "Expulsion of pygmy-bands", which do not utilise permanent settlements, means that they were expulsed at least from some parts of the forest utilised and inhabited by them on a temporary bases. "Expropriation of traditional land use titles" addresses cases in which the national government or the promoter of the national park did not consider common property rights such as utilisation rights as legal title. 5= The data are carefully extracted and developed from various sources in: Schmidt-Soltau 2002c: 4) 6 & 7= see next paragraph in the text.

None of the 9 protected areas surveyed adapted an official strategy to integrate local inhabitants into the park-management, but only two national parks (Korup National Park/Cameroon & Cross River National Park/Nigeria) embody a resettlement component. So, are the other parks empty? Let us survey an example: the Noubale Ndoki National Park in the Republic of Congo. The park itself is permanently only inhabited by American and British researchers and the entire population of the two permanent settlements within the 20 km support zone of the park (Bomassa and Makop-Liganga) is employed by the Wildlife Conservation Society (WCS), which manages the park in collaboration with the Congolese park authorities. So, one would consider, that the park is a real wilderness – a paradise for animals, researchers and tourists. But the conservation of this paradise had led into temptations. When I visited the area first in 1999, I tried to find out, why the Babenzélé (or Bambendjellé) 'pygmies' did not utilise this region. I learned, that "they used to come in the past time and again, but that they are not allowed to enter the national park any longer". It became clear, that the 'pygmies' were expelled from a territory considered by the government and international experts as 'no-man's land'. No compensation or alternative strategy to secure their livelihood had been elaborated and put in place. A Government official was perplexed by my questions. While in the beginning his arguments were more formal ("How can we resettle people, who have no settlement?") he became clearer after some drinks: "we can do with our 'speaking beef' (a common nickname for the 'pygmies' in the region) what we want". For sure, the governments in the region conceptualise themselves as the 'legal owner' of the territory put aside as protected area, but it can be questioned if they contribute with such a rude behaviour to the global strategy of conservation. It is mostly this ignorance towards the problems of the rural population, which remind human rights activists of hunting preserves in the middle age, only that today these areas are not protected for the royal hunting but as such - or as some people say, as research- and tourist resorts for Europeans and North Americans. This argument seems sound, since hardly ever an African scholar joins the research groups and it is unknown, that the inhabitants of nearby villages wander around in the National Park to enjoy its "aesthetic and recreational values".

It seems necessary to explain the categories utilised in table 2. I understand a displacement as success, when all parties involved (who that is, will be discussed in the next chapter) are satisfied with the outcome of the displacement and the change of land-use patterns. Since the creation of national parks is considered to be an important contribution to the survival of mankind, the effectiveness of protection is as important as the well being of the displaced population. Research holds that the creation of national parks does not automatically contribute to the conservation goals as long as the responsible national authorities are not capable of managing the area due to inadequate training, staff, motivation, equipment or financial means and as long as the local population is not invited to participate in the project (Adams & McShane 1996). It is documented that conservation projects, which exclude the local population from decision-making, do not function as envisioned (Cernea 1985). Integrating local communities into all phases of conservation projects is definitely not easy and requires a

dedication to the principle that indigenous people are legitimate stakeholders. It also requires a significant commitment of time and resources on part of the governments, international lenders and donor organisations, NGOs and protected-area managers. Theory holds that conservation and development, which are mutually independent, must be linked in conservation planning to offer compensations to the affected communities for their losses (Kiss 1990; McNeely & Miller 1984). In fact, to offer compensation is seen as essential to increase the effectiveness of conservation projects. Most authors do not recommend compensation in cash but compensation in kind such as rural development programmes, because they hold the view that long term benefits are 'better' for the rural populace (Gibson & Marks 1995, Barrett & Arcese 1995). These "compensations" should – according to the theory – be directly related to the benefits of the park (wages, income, sustainable access to meat and Non-Timber-Forest-Products – NTFPs -, etc.) as well as related to social services and infrastructure (schools, roads, clinics, etc.) and are supposed to embody a political empowerment through institutional development and legal strengthening of local land tenure (Ghai 1992, Gibson & Marks 1995). A partly compensation is in that logic related to one or two of these items, but does not offer the full array of assistance to the resettlers.

The problems arising from the people and parks paradigm are not only known in Central Africa. In 1995, an IUCN publication on South America summarises that "one extreme (of dealing with people living in protected areas) has been to systematically close one's eyes to reality and refuse to recognize the fact that a large number of national parks are not spaces without inhabitants. This has caused a sort of schizophrenic behaviour in many officials: formally enforcing the laws and regulations, maintaining publicly that human populations do not, or should not, exist within the protected natural areas; while they know that reality is different. Since the presence of these populations is not publicly recognized, no effort is made to study and understand the situation, nor to propose solutions that may benefit the local population, while assuring the long-term conservation of the protected area. And so the problem continues to get worse; the local people distance themselves from the park authorities and the possibility of conflict grows; clear policies are not arrived at and no one really knows what to do" (Suárez de Freitas 1995: 13). But while South American National Park managers and even IUCN try to find resolutions and to elaborate strategies, Central African conservationists remain untouched by these considerations.[4] Some people say,

[4] Some people will deny these remarks with reference to buffer zone management and biodiversity conservation projects in the study region. While it is true, that a good number of projects do indeed work in close cooperation with the rural population, it is also true that these projects are often interrelated to traditional 'protection' projects (Schmidt-Soltau 2002b). The most participatory buffer-zone management is still closely related to the national park next to it and will be perceived as its extension, because the concept of buffer-zones only make sense in relation with a core-protection-zone as its centre (Sayer 1991, Neumann 1997). "Community conservation is advocated as a means of ensuring the integrity of protected areas, and extending the reach of conservation practices beyond these boundaries into the vast areas of the earth's surface where there are no parks and where the interests of local communities prevail" (Brockington 1999: 2; Western & Wright 1994). Beside of that, are community based conservation projects, which offer the rural population a real chance to decide whether they want to protect certain areas or not, unknown in Central Africa, due to the fact – as conservations explain of records – that the only income

that this is on the one hand related to the above stated fact, that most inhabitants of national parks are hunter-gatherer or other "unorganised societies", which means that they are not able to defend their traditional rights on their own in the western legal discourse, and on the other hand, that under the dictatorial regimes in the region hardly anybody cares for the sake of ethnic minorities.

IUCN came to the conclusion, that "policies, which ignore the presence of people within national parks are doomed to failure" (McNeely 1995: 23), but what to do with the people? Actual cases of conservation induced displacements and resettlements have been - until recently - quite limited in Central Africa. Consequently, the literature on these special cases of relocation is also limited. Cernea concludes that in National Parks, most "eviction from traditional lands has been typically disastrous to those effected" (Cernea 2000, 27) and the quest for a general model of conservation induced displacements and resettlements, launched in 1991 (Brenchin et al. 1991), remains still unanswered. To develop a model or a guideline for successful resettlement from national parks is a serious and important challenge, since hardly any of these resettlements have been successful in the past. Their failure resulted mostly in a resistance to move or even in the return to their former villages inside the national park, because their traditional land was - in contrast to other kinds of displacements - still accessible and suitable for human settlement (Schmidt-Soltau 2000). To solve this problem conservation projects in some cases used the argument of force, after the force of argument had failed to persuade people to move. In the Kibale game corridor in Uganda, game guards and foresters burned down several villages and killed those people on the spot, who had insistently refused to move for the sake of wildlife (Feeney 1999, Anonymous 1994, Aronson quoted in: Cernea 1997, 26/27) and in East Africa Richard Leakey implemented a shoot-to-kill-policy. But the body count soon documented, that the war against 'poaching' and rural resistance did not work out (Bonner 1993:17/18). As a result some scientists conclude, "that the strategy of locking up biodiversity in small parks, while ignoring wider social and political realities, has been an ineffective strategy" (Colchester 1997, 107) while the mainstream is still in favour of national parks as empty wilderness and consequently in favour of displacement or resettlement. The main argument for the creation of uninhabited wilderness results from the finding that the establishment of community based conservation projects, which are seen by many as the solution to harmonise people and parks, neither contributes to conservation nor to the well-being of the rural population (Oates 1999). Since community based conservation does not work as intended they argue "that a renewed focus on protected areas as a primary storehouse of biodiversity is needed" (Kramer & van Schaik 1997: 38), without searching for other options. While in South America (Amend & Amend 1985), in southern and eastern Africa (Western 2002) most environmentalists do not belief any longer that the removal of people is the key to biodiversity conservation, the discourse remain unchanged in Central Africa. Quite a good number of law-and-order conservationists, who had to leave eastern and southern

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generating activity directly resulting from conservation – eco-tourism - is nonexistent in the region.

Africa after the implementation of community based conservation projects in that area, came to Central Africa to teach the gospel of the 'protection of untouched wildernesses'.

The actors: The displaying and the displaced

It seems obvious that there are at least two different groups of people involved in conservation related displacements: the facilitators of the displacement and the rural population affected by the displacement. Each of the two groups can be divided into at least two subgroups. International conservation agencies, donor organisations and bilateral governmental bodies can be considered as the original initiators of conservation, while the national governmental authorities are responsible for the creation of national parks and other protected areas on the ground. The affected rural population can be divided into those people actually displaced and those people, who own the land where the displaced resettle – these people are called "hosts" in the resettlement literature (Gebre in press). In the following I will analyse the different groups, their motivations and expectations. I will follow the historical and administrative process, which starts with the elaboration of the general idea, that national parks are an important contribution to the survival of mankind, before analysing the national level of state administration. After that I will try to give a short overview of the different groups of people displaced and in the end introduce the "hosts".

The survey of the different actors will arise from their involvement in the conservation of rainforest. In that vein, "we need to examine the extent to which official definition of nature simply legitimate those of the morally and politically powerful and the degree to which they combine the definitions of different constituencies. We need to ask how particular definitions of nature serve the interests of particular groups, whether these be the conservation lobby, the Roman Catholic Church, or indigenous peoples who see advantage in reinventing a particular tradition of nature" (Ellen & Fukui 1995: 64)

The most simplistic interpretation constructs modern conservationists as resurrected colonialists in search for native land. David Western is referring to a discourse in the sixties, which accused the West of trying to turn Africa into a vast national park, because "preserving Africa's wildlife salves the West's guilty conscience at having exterminated its own wildlife" (Western 2002:50). The first interpretation does not satisfy me, because the recourse to similar phenomenon does not answer the question, why the colonialists went out to seize native land in the first place. The analysis of the West's double standard, which considers it as acceptable, that European farmers reject the reintroduction of wolfs and bears and that American farmers are free to gun down bison wandering onto their land, and declares it a crime, when an African farmer guns down an elephant or gorilla destroying his farm seems for me a fruitful area for further analysis (see the landmark: Knight 2000). Nevertheless, it is important to consider that these days a significant number of people in the West try to solve the problem of double standards by forcing also the European and American farmers to stop shooting wild animals destroying their crops. Whether the love for the wild tries to protect the African

wildlife or the wilderness in general, it remains a sophisticated taste not usually to be found among those who earn their livelihood in close contact with the wild. In contrary, it is more common among the inhabitants of the completely artificial world of modern metropolis than among those who are called "nature people".

It seems quite important to me that most promoters of National Parks in Africa were brought up in an Anglo-American environment, which conceptualises Africa as 'romantic wilderness' in contrast to the 'decadent metropolis' of capitalism (Nash 1967; Oelschlaeger 1991). It is principally this vision of Africa as earthly Eden that underpins the historical development of the National Park ideal in colonial Africa (Anderson & Grove 1987, MacKenzie 1988, Neumann 1998). In short, imperial nationalists sought "to annex the home-lands of others in their identity myths" (Daniels 1993: 5). As inhabitants of the mythical Eden nobody else except the mythical noble savage could be tolerated. While some African societies such as the 'pygmies' were conceptualised as remnants of the natural state of humanity[5] – the noble savage - that modern man gave up to take the path of civilisation (Torgovnick 1990), most Africans did not fulfil the criteria of sustainability – at least in the perception of the strangers, which came to Africa to "help them". The un-noble savage had to disappear to create space for animals and tourists. While eighteenth and nineteenth century artists 'removed' all signs of labour and man from their landscape paintings (Clark 1984), conservationists try to 'remove' all signs of labour and man from the landscape itself. But the function for the 'actor' remains the same. While the aesthetic appreciation of nature as such was constructive for the moral and cultural superiority of certain social classes (Clark 1984), "*a national park is the quintessential landscape of consumption*[6] *for modern society*" (Neumann 1998: 24; emphasis in the original). If one is not able to see the need for their existence, one is acting against the interest of future generations - at least in the argumentation of conservationists, which promote, manage and capitalise "paradises".

It is in this vein that American and European scientists "designate places, where a ravenous consumption picks over the last remnants of nature and of the past in search of whatever nourishment may be obtained from the signs of anything historical or original" (Lefebvre 1991: 84). These places could be everywhere, but the best location is always there, where the conceptual map of the world 'locates' them. Since wilderness as such does not exist in Africa, it has to be manufactured. Conservationists transform the environment - the 'second nature' altered and spoiled by man - to portray a mythical 'first nature' – the paradise lost – (Smith 1984). After the 'removal' of all evidence of

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5 A colonial discussion paper on protected areas holds, that „the pygmies are rightly regarded as part of the fauna, and they are therefore left undisturbed" (Report of the Preparatory Committee for the International Conference for the Protection of the Flora and Fauna in Africa 1933; in: Neumann 1998: 125) and "San-bushman were constructed as people who were not people" (Morris 1996:79).

6 It is an ongoing discussion if one can characterise conservation as a form of consumption. The argument against it is related to the word meaning of consumption as "the using up of a resource" (Oxford English Dictionary), while Lefebvre (1991) and others argue, that all forms of utilisation have to be classified as consumption, since the original nature is used up in the process of transforming the rainforest into national parks.

human agency, it becomes increasingly difficult "to decide whether such places are natural or artificial" (Lefebvre 1991: 83). In the end, it makes no difference, because "the fear of you and the dread of you shall be upon every beast of the earth, and upon every fowl of the are, upon all that moveth upon the earth, and upon all the fishes of the sea; into your hand are they delivered" (Genesis 9:2).

While the motives to protect the faked wilderness – 'better than nature' – are evident in the American and European concept of the world, the question as to why African governments allow foreigners to build a manufactured reality on their territory remains open. Besides financial considerations – conservation is a sustainable source of income for government officials – it is also a strategy to impose power on their citizens in remote areas and to declare ownership over territory. In most cases surveyed, the inhabitants were uncertain to which state they belong to, before the arrival of the conservationists. 'State', 'government' and 'conservation' did not have a meaning in their concept of the world (Schmidt-Soltau 2000). In short, they were ignorant of the state. But not only this ignorance caused the anger of the national governments, but also their resistance to pay taxes. The national governments discovered themselves as being stacked in the same position as the colonial powers shortly after their scramble for Africa (Stoeker 1968: 252-255, Pakenham 1991). The general theories of development requested available labour and not subsistence farmers (Cowen & Shenton 1996) or to say it with the term introduced by Marx: the primary accumulation obliges landless subjects to become labourers.[7] One can understand resettlement as a form of 'pacification'- as it was called under colonial regime -: "Resettlement allows better surveillance of the rural population in remote areas, it frees up the interior for the exploitation of resources and it allows the government to assimilate the minorities into a larger national state" (Duncan & McElwee 1999, Bookman 1997, Worby 1994, Menzies 1992). In Cameroonian - for example - the government had declared all land, which was not officially demarcated as private property, to be state property in 1974.[8] Since private land is taxed, hardly anybody outside towns has applied for demarcation or - to argue within the logic of the written law – has applied for landownership. This is especially true in remote areas. In the whole Eastern province of Cameroon, which covers an area of 109,000 km², the governmental land authorities could only name one private landowner: a state-owned coffee plantation. Based on this vague construction, which is characterised by experts as an illegal violation of common and property law (Fisiy 1992 & 1996), the government implemented - following the advice of conservationists - a new forestry and wildlife law in 1986, which bans all hunting, gathering and fishing activities on state-land, unless an exploitation licence is produced (MINEF: 26 & 29/30). Since licences can only be issued by the central administration of the Ministry of Environment and Forestry in the capitals, hardly anybody except

[7] Surprisingly, the English translation of the 'Kapital' of Marx utilises the work "primitive accumulation", which does not cover the dynamic meaning of the original wording "ursprüngliche Akkumulation".

[8] All states covered in this study have similar laws often even with the same wording (see: Chanock 1991, Benda-Beckmann & Velde 1992).

expatriate sport-hunters is legally allowed to hunt, fish or gather in Cameroon and in Central Africa as such.

The absurdity of these laws has resulted in the fact, that they are generally not obeyed. In the case of the research region, government officials had – according to the people living there - hardly ever visited the various regions before the arrival of the conservationists (Schmidt-Soltau 2000). Before the implementation of national parks and other protected areas rangers have come time and again to 'raid the villages' for game, but the controls were all but serious. The National Parks, which confiscated the land and removed the people, act and are perceived as an alien institution, which steals the rural land in the name of something, which does not hold any meaning for the affected people. One could understand it as an internal colonialism in the name of untouched nature, which extends the rules of post-colonial states to the remotest corners of a territory mind-mapped as country.

The advantages for the national governments are quite obvious: they increase their income, their external reputation and their 'power' in discussions with the West without being forced to pay any opportunity costs, because the land handed over to conservation never belonged to them in the first place. [9]

Whether one wants to follow this line of argument or not, the impacts remain the same: "The communities responded to the denied access to natural resources on which they had depended for their livelihood - an access they had come to regard as a historical right - with short-run 'survival-strategies' that amounted to no more than a plunder of these resources to meet immediate needs (…). Once the relationship between communities and surrounding resources was reversed - from custodianship to alienation - the stage was set for a real 'tragedy of the commons'" (Mamdani 1996: 167).

[9] In a case study on the resettlement of hunter-gatherers from a national park in Indonesia Duncan documents, that "the changing rhetoric for resettling the Forest Tobelo merely exemplifies the point that, regardless of the reasons, the Indonesian government wants ethnic minorities settled where it can control them, and where they do not pose a threat to Indonesian notions of stability and order" (Duncan 1999: 16).

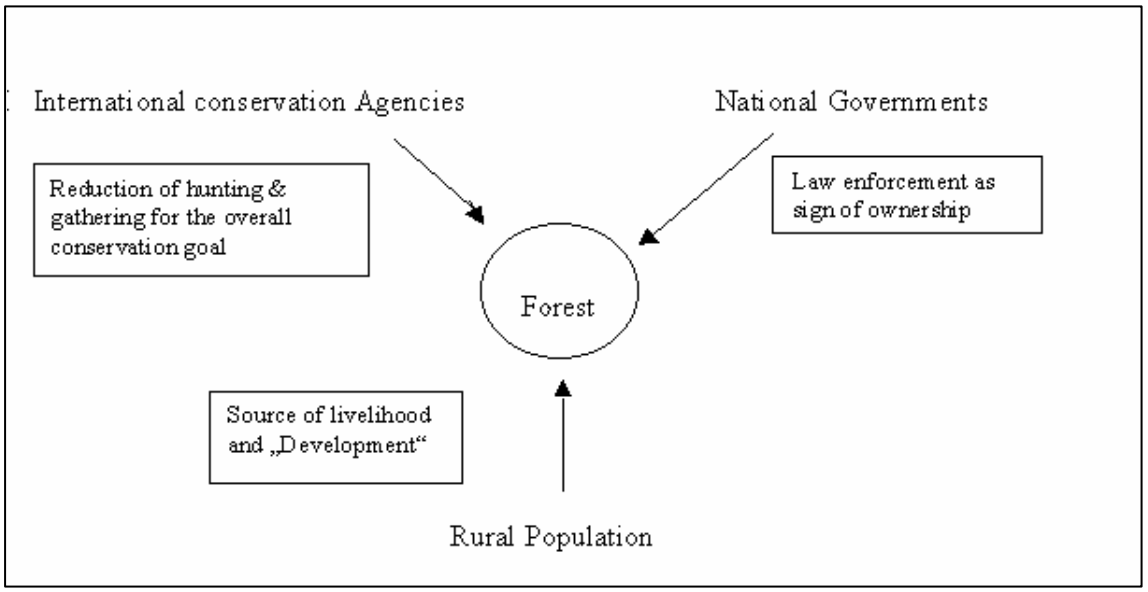

Fig. 1: The different actors and their reasons for consuming the forest

While national governments and international conservation agencies are perceived generally as actors (despite the different judgements on the impacts of their activities), the rural population is even among anthropologists quite often perceived as the passive element, which has to face the impacts of the exterio risation of others. Even a supporter of indigenous rights like Marcus Colchester falls in that trap, when he outlines that the land use pattern "was set by brutal colonial interventions in the agrarian economies of the third world, which undermined indigenous systems of land ownership and land management. (…) Since independence, the pattern has not changed. (…) On the contrary, the pressure of the market, mediated through local rulers has reached deeper and deeper into the third world farming systems creating even greater instability, poverty and environmental degradation, while securing the power of wealthy land-owning elites (Colchester 1995:12).

Note: A short 'ethnography' of the resettlers and the hosts, which should be placed here, is not yet ready for submission, since I realised while re-reading my text, that I also conceptualised the rural population to some extend as being at the mercy of the conservation discourse.

CIDR within the ethical and legal framework

Without being a lawyer, it is in my view obvious that the policy to expropriate the rural population without compensations - applied by conservation agencies and national governments - violates several international laws and conventions. The *ILO Convention 169* is said to offer the best mechanism for complaints related to the forced displacement of indigenous groups as it specifically addresses this issue. Unfortunately, no African state has ratified this convention. One may argue, that these and other international conventions like the *Convention of Civil and Political Rights* do not suite the Central African realities, but one can hardly ignore the fact that all but two of the nine national parks surveyed violate the *African Charter on Human and Peoples' Rights*

which was adopted on 27 June 1981 by the Assembly of Heads of States and Government of the Organization of African Unity (OAU) and came into force on 21 October 1986. It states:

- **Article 21:** (1) All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it. (2) In case of spoliation the dispossessed people shall have the right to lawful recovery of its property as well as to an adequate compensation.

Beside the legal argument, conservation projects also do not work in the long run, if they free ride the rural population (Schmidt-Soltau 2002a, b, c). To achieve sustainable solutions, a 'fair' and well discussed negotiation of all stakeholders seems a well justified approach. But who are the stakeholders or their legal representatives respectively? Should adequate compensations, or - to stay within the logic of the best practice (World Bank 2002) – the restoration of livelihood systems be negotiated between individuals and the state, the state and the international community, or between settlements and the promoters of conservation? The case of Korup National Park (Cameroon) narrows the options available, because it became clear, that the prospected resettlers were hardly defending their own interest and needs. The inhabitants of the park agreed to resettle "voluntarily", without any written agreement or compensation (Schmidt-Soltau 2000). One has to question the legality of these agreements (Schmidt-Soltau 2000), because the rural population never had a chance to say no (or at least not the chance to remain in the forest alive). While in other regions the rural population was able to involve the state (southern Africa) or the civil society (South America and Asia) into their struggle for adequate compensations, most inhabitants of national parks in Central Africa hardly defend 'their interests'.[10] While it seems impossible that any of the other stakeholders (conservation projects, donors and governmental agencies) could represent the rural population or assist them in a discussion process, which could lead to a joint societal goal, since there would always be a conflict of interests – or at least it could be argued like that - national or international human right NGOs in close collaboration with the rural elite, financially supported by the promoters of the national parks and the resettlement programme, could be possible technical assistants to transform the perceptions, livelihood strategies and prospects of the 'underdeveloped' resettlers into the discourse on land right and land use pattern. But, conservation projects in the region are trying to avoid contacts between anthropocentric organisations (cf. Charancle 1997) and humans in the way of conservation, since they fear 'unrealistic' requests for compensation (PCs). This view is easy to understand if one estimates the property losses due to conservation activities and remembers, that the displacement of indigenous people from their land was criticised by some human rights groups as "genocide" (ICIHI 1987). It is not surprising that neither the 'lords of

[10] Possible reasons for this apathy were discussed in: Schmidt-Soltau 1998. Conservationists have argued in discussions, that the missing resistance documents a high level of acceptance among the displaced population towards their own displacement, but one does not have to be a full-flesh philosopher to discover here the self justifying tendency of power.

conservation' like WWF, ECOFAC and WCS, nor the national governments are enthusiastic to work with people, who are criticising their activities or try to force them to spend more than 1.1 Billion Euros[11] to compensate the rural population for their land-losses. The justified compensation of forty thousand Euros per capita (Schmidt-Soltau 2002c) will not be able to reduce all negative social impacts, but it would offer the inhabitants of the Central African rainforests at least a living if it is invested wisely into a sustainable form of livelihood restoration. The only way to mitigate the multidimensional risks is an open and well-facilitated discussion between all stakeholders (or their trustful representatives) resulting in written and legal contracts, including viable benefits for everybody. But how can such a discussion be achieved?

The World Bank guideline on involuntary resettlement, which is generally perceived as 'best practice', recommends a resettlement policy framework for all cases of displacement, which "ensure that the displaced persons are

(i) informed about their options and rights pertaining to resettlement;
(ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and
(iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project." (World Bank 2002, 3).

Following this argument, one has to ask, what are the "full replacement costs" for not recognised land titles or any other case, where land is not traded as a commodity and how are these costs established? The World Bank takes that into consideration, by clarifying that besides of people, who have a formal landholding, also "those who do not have formal legal rights to land but have a claim to such land or assets and those who have no recognizable legal right or claim to the land they are occupying" are entitled to receive at least resettlement assistance (World Bank 2002, 6). One might argue that these guidelines are toothless expressions of social consciousness, because the World Bank' guidelines are only binding for those projects funded by the World Bank. But what are the alternatives?

The present strategy, to ignore the income losses of the rural population, is definitely no alternative. It seems obvious that without a legalised and transparent process, facilitated with care and mutual understanding and assisted by trustful representatives of the interest of the local population, the best intentions will miss their goal. To achieve a fair compromise, which is able to trade off the losses of the rural population, all parties involved have to accept,

- that all national parks in Central Africa have displaced or are displacing people.
- that this displacement is by scientific and legal standards an involuntary resettlement and
- that the decision whether a resettlement is voluntary or involuntary is not related to the existence of legal titles of landownership or land-use, but to the question, if the resettlers had the chance to stay.

[11] This figure for all protected areas in the six countries studied is developed in: Schmidt-Soltau 2002c: 8.

In none of the case studies did the inhabitants of protected area had this chance to resist. "Conservation is about controlling people and their environment. It is about exercising power over how people use land, and how they change their land use and how they lobby their government to allow them to change their practices. There may be powerful ethical reasons to try to make this process as inexpensive as possible, but it may be a project for which there are unavoidable expenses to be paid" (Brockington 1999: 20/21). These 'unavoidable expenses' are social constructions, which have to be defined in the political arena and/or on the market. While from the economic point of view an uncompensated displacement is well justified, it is still unacceptable by all moral and ethical standards to free ride on the 'underdeveloped', underprivileged, underrepresented inhabitants of the Central-African rainforest. Nobody challenges the importance of conservation and of market-price oriented compensation costs and in Europe and North-America conservationists are prepared to pay market prices for land to be protected. But in Africa they do not mind to take advantage of a political and economical situation, where the price for land is not established between equal partners and on a free market, but based on the powers that be. Nobody beside of the inhabitants of national parks is forced to change his lifestyle for the 'survival of mankind' and start a new life from scratches, but their requests for their share of development remain unanswered. As long as the costs are not equally shared, nobody can question their fundamental right to resist. As long as conservation agencies are not able to guarantee that the costs of conservation are equally shared, it is not only the right of the inhabitants of protected areas to resist, but our obligation to assist them in their resistance.

NGOs and individuals all over the world have tried to force national governments and conservation agencies to take this responsibility into consideration and to support the resistance of the rural population against their displacement. They were not very successful so far. People are displaced by conservation projects even in countries with elaborated guidelines (Fabricius & de Wet 2002, Chatty & Colchester 2002, Schmidt-Soltau 2002c). One has to ask: why - and consequently how can one protect and/or implement a right to resist into the legal body of environmental laws?

To ignore the scientific finding, that the establishment of national parks is an important cornerstone in the sustainable development of mankind, is also no alternative. In this paper, I have questioned the Anglo-American concept of 'deserted wilderness' and agreed with those authors, who deconstruct 'wilderness' as chimera of 'urban' and 'civilised' minds. In view of a 'wilderness' as conceptualised 'otherness', one can and might question the concept of national parks from scratch to the last dot, but does this make sense in a world, which defines 'sustainable development' as imperative maxim? Human and environmental rights might be perceived as "sign of the oppressed creature, the heart of a heartless world and the soul of soulless conditions" (Marx 1844: 244) but they remain even in that view "the general theory of this world, its encyclopaedic compendium, its logic in popular form, its spiritual point d'honneur, its enthusiasm, its moral sanction, its solemn complement and its universal basis of consolidation and justification" (Marx 1844: 244). One might wander if Marx would have enjoyed this

post-modern interpretation of his early writings, nevertheless they underline the importance of an internal assessment of hegemonic discourses.

One has to realise, that "national parks contain a basic contradiction in that they are saved for people, and yet it is a state duty to protect national park land against people and against change" (Carruthers 1997: 64). The contradiction results from the fact that national parks are conceptualised as essential conservation instruments, satisfying critical needs for the survival of mankind, generating immediate and long-term scientific, ecological, aesthetic and recreational gains for direct and indirect beneficiaries unobtainable in any other way. Yet at the same time, national parks cause forced displacement that immediately detrimental for those affected. The fulfilment of the needs of the many clashes with the entitlements of the few. The situation is similar to displacements for hydropower plants and linear infrastructures. In all cases an abstract body requests in the name of development, conservation, poverty reduction or as combination of all a limited number of people to accept a change of land-use pattern of a piece of land owned, occupied, utilised or in any other way linked to these people. Cernea argues that the conflicts between conservation and local development needs are between two cases which are both right: the need for people to have authority over their own environment, and the need of the state for eminent domains over its lands in the interests of national development. In such cases Cernea argues that solutions are possible to the extent that "the state is prepared to recognise the losses and pains inflicted of those called to make the immediate sacrifice and accept the uprooting" (Cernea 1996: 304, Brockington 1999). But what can one do, if – as documented above - the state is not prepared to protect the rights of his own citizens?

Since it is a common practice to search for answers in philosophical concepts and general appeals to reason, after legal and political arguments have failed, I will do so in the following. From the philosophical point of view, one could justify the resettlement of villages inside national parks as applied intergenerational justice. Conservationists are of the view, that it is just, if "the management of human use of the biosphere is organised in a way, that it may yield the greatest sustainable benefit while maintaining its potential to meet the needs and aspirations of future generations" (IUCN et. al. 1981). The costs – a relinquishment of consumption – should be settled by the present generation to benefit future generations. The requirements and restrictions for the present generation are seen as justified as long as the benefits are equal or higher than the costs. In the case of "people in parks", conservation agencies assume that - overall - the harm to the environment is greater than the benefit to the people living there. Based on this assumption, it seems justified to expect from the present generation to settle the costs - resettle to places outside the national park – in view of future benefits – the "establishment" of 'undisturbed' forest. Here the first question arises: even if scientists would be able to outline all long-term impacts related to human inhabitants in national parks, it is uncertain if future generations will experience these impacts as harm and due to that if – and/or to which extend – they will enjoy benefits resulting from resettlement programmes? They may not like 'undisturbed forests' created by man, because the sustainability of rainforests are based to some extend on the human utilisation of these

forests as some scientists hold (Headland 1997, Sponsel et. al. 1996). Some scientists stress the fact, that "there is a significant link between cultural and biological diversity" (Jacorzynski 1999: 2) and that over a 25 years period the biodiversity have decreased in protected areas (Nabham et al. 1991, Galaty 1999).

Till-date nobody is able to answer the question on the best strategy to conserve the biodiversity of rainforests all over the world. Nevertheless, conservationists proclaim themselves as representatives of the future fighting for the greater good of mankind and nature, while the inhabitants of national parks are constructed as representatives of the present. Whether this is tenable or not, the displacement of communities located inside national parks is framed as "sacrifice" for the greater – future - good. More questions arise: Whether one employs an anthropocentric, a physio-centric, a universalistic, or a utilitarian argument, it is important to clarify: who is sacrificing? Are the resettlers – as representatives of mankind - self-sacrificing their way of life and their livelihood for the long-term good of society and nature or are they sacrificed to nature?

According to the definition, one has to benefit in one-way or the other from sacrifices and especially from self-sacrifices. Are the resettlers benefiting? Conservationists would argue, that the resettlers benefit in two ways from the resettlement process: 1. They enjoy - as part of mankind - the future benefits. 2. They enjoy - as representatives of mankind – compensations from those generation-mates, who are not able to self-sacrifice their way of live for the common good. If one follows this logic, the remaining question is whether the costs are equally shared, or - in other words - whether the compensations are able to guarantee an equal distribution of costs?

I outlined that the resettlement process changes by definition the way of life and source of livelihood of the inhabitants of national parks (Schmidt-Soltau 2002c). Some conservation activists argue that the change of lifestyle can not be seen as a negative implication, since it will affect everybody earlier or later, but from the ethical point of view it has to be considered as a cost, since it is imposed on them due to a certain action (the resettlement itself). What are the costs for their generation-mates, self-represented by conservation agencies, governmental bodies and donor organisations? Nil. The minor financial implications can be considered - if divided on the entire species - as insignificant. As long as the costs are unequally shared, compensations are not an element of justice, but a last supper for hunter-gatherers sacrificed to nature and the greater good of mankind.

Is their no other way? Do we – the present generation of homo sapience – have no other way than to sacrifice the lifestyle of those brothers and sisters living inside national parks to the survival of our species? Is their no other sacrifice possible? If there would be a sacrifice, which does not only affect those, who are unable to resist our requests, would we utilise that? Are you prepared to self-sacrifice all you have for the greater good? I confess, that I would not self-sacrifice anything, if government would request me – based on a vague construction like the one elaborated to legitimise resettlement - to become something else than what I am. And what is about you? Are you prepared to

self-sacrifice your life for plants, animals, rivers, landscapes and an uncertain benefit of future generations? If yes – do it. I take my hat off to that.

If not – and I presume that most of you will not be so determined – the golden rule (Kant`s categorical imperative: "Act only on the maxim which you can at the same time will to be a universal law") defines a policy, which requests inhabitants of national parks to resettle against their will, as not ethically legitimised. We are by all moral standards not entitled to free-right on the weakness of those living in national parks, which can not resist the quest to sacrifice them to nature.

Nevertheless, despite their fundamental right to resist, it can be questioned if resistance leads to successful and sustainable solutions. To avoid lose-lose situations it is necessary to secure the well being of the people and the conservation of the rainforest ecosystem. Guidelines such as the operational directive for involuntary resettlements and the various procedures for impact assessments could be able to reduce the social and biological costs of individuals and groups and distribute the costs equally among all stakeholders. These guidelines are based to a certain extend on the conception of state as an agency for the greater good. In some countries such as the PR. China this concept seems - despite its authoritarian implications - to secure the livelihood of resettlers (PC Shi), but this concept does not work automatically in Africa, where – as documented above – the well being of the citizens is not a priority on the agenda of those in power. The empowerment instrument embodied in the World Bank guideline – to legalise all forms of 'traditional' landownership such as utilisation rights etc. – may seem to some as the latest approach to extend the sphere of the market economy to the remotest corners of the world. On the other hand it transforms the people and park discourse into the general discussion on sustainable development, since the promoters of national parks and national governments would be soon on the 'black list' of organisations, which do not respect international legal standards if they continue to violate the common property right of their citizens. Only if ethical reasons are validated and transformed in the legal discourse, resistance has a chance to – at least – secure the livelihood of those affected by development. Whether the benefits are than still able to trade-off the costs is a political decision. The proof of the pudding will be in the eating.

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