

Traditional rights—what do they mean?

An interesting juxtaposition of two letters occurred in *Oryx*, 32(4), 244–248: one from François Moutou, posing the question as to when is traditional traditional: '1, 10, 100 or more years', and the other from Marcus Colchester, advocating the rights of indigenous peoples, but failing to mention when someone becomes indigenous. Is it 1, 10, 100, 1000 or 10,000 years? Colchester's criticism of Spinage also makes the assumption that indigenous peoples are definable, without giving a definition, or giving a reason as to why their rights are greater than their neighbours'. It is a purely ethical issue, with only slight biological relevance. But it is an issue that those advocating indigenous peoples' rights need to address, and rarely do.

Why does the fact that someone's ancestors arrived in Alaska 10,000 years before another person, give them a greater right to butcher whales in a slow, inhumane and barbaric manner? Why does the fact that someone's ancestors have hunted in an uncontrolled manner (but only because their weapons were inefficient, not actually exterminated the prey species), give anyone the right to carry on hunting—and perhaps selling the skins in exchange for cash? And often using modern technology to improve the 'efficiency' of hunting. Why does the fact that someone's ancestors wandered around the Amazon Basin give a person the right to use slow poisons to kill animals, to murder other humans who enter his territory, and maybe even mutilate and disfigure his children and fellows?

While I can accept the importance of 'local' peoples' rights, I find it difficult to come up with a concept of indigenous peoples' rights that does not lead to the sort of nightmare interpretations that end up with Balkan- or Rwandan-style ethnic cleansing. Of course, it is easy to define the extremes, but that is not what causes problems. Even in North America, for instance, who are the indigenous inhabitants? Which group of an incredibly diverse range of populations? There have been successions of them ebbing and flowing. Some of them settling areas after Europeans arrived on the continent. And why shouldn't Afro-Americans have any rights? They did not want to be there in the first place, and some of their ancestors have been around for several hundred years all over the New World. And who are the indigenous inhabitants of Rwanda? And how genetically pure do 'indigenous' populations have to be?

Even if one can come up with an acceptable definition of indigenous, then what area is allowed per person? Hunter-gathers need large areas, and that area will depend on habitat and also the efficiency of their hunting and gathering. Why should they be 'allowed' a larger area than pastoralists or agriculturists? It all smacks of paternalism at the least and a 'let's preserve examples of interesting natives' at worst.

All too often, the debates on the rights of indigenous peoples have as much connection with the real world and wildlife conservation as did the concepts of 'noble savages' of 200 years ago. Let us move forward and talk about the rights of local peoples, regardless of race, ethnicity, religion or cultural background and/or where their great-great-grandparents came from. I am not suggesting that recent settlers should necessarily have rights, but a line has to be drawn somewhere, and it could either be three generations or, say 50 years ago, but should we go back any further? This would go a long way to recognizing the situation in the real world. It is this failure to recognize reality that leads to the boundaries of the areas inhabited by so-called indigenous peoples being constantly moved and eroded, or to the creation of ethnic ghettos. The end result will be a handful of the 'noble savages' of the 21st century living in national parks as if they were some sort of zoo animal, surviving on antibiotics, foreign aid and the goodwill of the surrounding inhabitants. But there is a thought: nowhere, throughout history has the latter ever occurred as far as I am able to determine. It is a well documented observation that the wild ancestors of domestic species are eliminated, particularly close to the areas where the domesticated forms occur. Man preys on all the wild forms relentlessly; from horses to camels, llamas, sheep, cattle, goldfish and chickens. And that includes his own species. Goodwill towards indigenous peoples by surrounding populations is simply not likely to occur. Assimilation is the only method by which populations survive. As biologists we should learn by observation and recorded history. Present-day ethical and moral values (which may even be shared by a few biologists with many other people), may not be those actually prevalent among either the so-called indigenous peoples, or the other local populations. When designing strategies for the preservation of wilderness and protected areas this needs careful consideration. From a biological and conservation perspective, we need to take into account the values and expectations of all local peoples, not just

indigenous peoples. In biological terms all people are equal, though the potential damage done by some may be greater than others.

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PS There is, of course, a perfectly valid view that no individual has any rights to land. And one of the early advocates of land nationalization was a naturalist—Alfred Russell Wallace.

Questioning 'old' approaches to conservation—a reply to François Moutou

I write concerning 'Questioning new conservation approaches' (Moutou, 1998). The article mixes many subjects, from ethics to the World Trade Organisation, and from elephants to cod, some of them irrelevant in today's conservation debate. Moutou also introduces some new concepts to the conservation arena.

Conservation is not changing and does not need to change. It is widely understood as an ideal goal or guiding principle, one that we strive for but recognize we will never attain to anyone's full satisfaction. The same applies to sustainable development. What can change is the strategy to achieve that goal, in the light of new variables, socio-economic factors and scientific research.

Most conservationists would consider that the question, 'Why is it necessary to conserve biodiversity?' is too obvious to spend time thinking about. If biodiversity is threatened it is because old approaches have failed to consider human needs and economic tools. Hence the need for genuine innovative approaches to reverse the loss in biological diversity. We should aim at a situation whereby sustainable livelihoods meet not only basic human requirements and equity considerations, but also allow for the long-term conservation and maintenance of the broadest possible spectrum of biodiversity on Earth. There is an emerging consensus that the conservation of ecosystems is of higher priority than the stability of individual species populations. Clearly, the chances of preserving species will be improved in the long term if the ecosystems in which they occur are not converted to other forms of land use.

Linking conservation and commercial use does not mean that only species with known commercial value would be protected. Advocates of sustainable use, including commercial consumptive use and community-

based natural resource management, are not narrowly focused on the protection of species with known or potential commercial value. There is a broad consensus that habitat degradation and loss are the principal threats to species world-wide. Accordingly, the sustainable use of and subsequent generation of financial income from some species is proving to be an effective strategy in addressing this threat. In Southern Africa, community-based natural resource management programmes based on the sustainable use of large mammals are no doubt contributing to the conservation of flora, lesser mammals and invertebrates (Cumming, 1998). On the other hand, and contrary to Moutou's opinion, all species populations can be used irrespective of population size; there is no arbitrary population size threshold below which use should be prohibited if such use would be beneficial for the conservation of the species and the ecosystem (SASUSG, 1997). A good example of this is the decision at the last meeting of the Convention on International Trade in Endangered Species (CITES COP 10), which provided for the export from Pakistan of markhor *Capra falconeri* trophies (Resolution Conf. 10.15). The proposed trophy hunting scheme is intended to demonstrate the potential economic value of markhor to local communities, thereby providing an incentive to conserve the species (Gray, 1997). The total population of the species reaches scarcely 800 animals throughout its natural range.

One of the new concepts introduced by Moutou is 'sustainable conservation', which, according to him, could contradict sustainable development. But what is 'sustainable conservation'? Does it mean returning to the old paradigm of conservation based on the strict protection of the resource? In today's world, conservation cannot be separated from human development. The history of protected areas in the developing world has proved that conservation that does not consider social and economic factors is doomed to failure. In 1996 the Convention on Biological Diversity identified the six 'ultimate causes' of biodiversity loss: mis-directed economic incentives, cost/benefit imbalances, inappropriate tenure arrangements, national policy failure, population and cultural failures. However, Moutou seems to be more concerned with morals and ethics when he states that 'the exploitation of some species will be ethically difficult or questionable'. I would ask, 'ethically questionable to whom and by whose moral standards?' Ethics and morals have little to do with conservation strategies. As Pearce and Moeran noted (1995), 'if economic causes are very important, then presumably, the moral view would sanction the correction of the economic factor giving rise to excess biodiversity loss'.

Although the reference to the status of the North Atlantic cod *Gadus morhua* is difficult to understand when addressing 'new conservation approaches', it can help the sustainable-use argument. The example of cod highlights the problems that the new approaches to conservation seek to overcome, i.e. that open-access systems are a serious threat to biodiversity. Responsible advocates of sustainable use have always emphasized the need to clarify tenure—for terrestrial ecosystems—and resource-use regimes, and to devolve resource-use rights and responsibilities as far as practically possible. Moutou reports that North Atlantic scientists and governments agreed on a zero quota without the need of pressure groups. Then what is wrong? One would think that they behaved responsibly and that they have taken a drastic decision before the 'commercial extinction' of cod occurs.

Moutou also questions the argument 'that every species has to pay for its survival'. I would not wish to be seen as in favour of this argument; unless it is used in a local context, it is simplistic. However, where conservation of wild habitats and human development needs are in competition, ecosystems must pay their way and, unless conservation through sustainable use is a competitive form of sustainable development, habitat will be converted and species will go extinct, biologically extinct. Therefore, in some cases, it is desirable from a conservation point of view to make a species pay its way.

Finally, Moutou argues against what he calls, 'traditional use of endangered species or resources', 'hunting of traditional species', hunting with traditional weapons, traditional practices. I would argue that the important factor is not how old the hunting or exploitation is, but rather if it is ecologically, socially and economically sustainable. The conservation status of a resource is not necessarily linked to the nature of the use, commercial or subsistence, but to a myriad of variables, including the pressure on the resource, the absence of rules or poor enforcement of regulations, lack of appropriate tenure regimes, climate change and reduced market value.

Would Moutou argue that Greenlanders do not have the right to improve their hunting methods, changing the traditional harpoon for modern firearms? Who can deny them this legitimate right? Would they no longer be 'indigenous'? If modern firearms are used in a controlled manner, they are probably much more appropriate than traditional weapons, not least for veterinary and welfare reasons. Ironically, species that are hunted for subsistence purposes and are not subject to trade can be facing conservation problems, as is the case of many African bush species. On the other hand,

in the 16th century, whalers from the Basque region of northern Spain nearly drove to extinction the right whale *Eubalaena glacialis* without the help of modern firearms.

The international community has agreed a number of biodiversity-related treaties and most of them acknowledge that biodiversity must be conserved for its intrinsic value and for the value it holds for human beings. Both reasons are compatible and sustainable use is increasingly seen as a valid tool. With regard to how to protect biodiversity, countries and regions should be allowed to pursue their own policies, provided that these are successful. Some countries might pursue ecosystem and/or multi-species approaches, pursuing the paradigm of adaptive management, while others might prefer classical options. Both strategies are valid because every country is sovereign over its biological resources. What matters is conservation, and if conservation can be merged with the aspirations of every human being for a better livelihood, even better.

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Indigenous peoples and conservation

Spinage's (1998) paper is expansive in coverage, science, analysis, objectivity and reason—as one might expect from someone of his long and pragmatic experience. Colchester's (1998) response, however, suffers from the serious limitations that result when constructing argument from the narrow and often scientifically bereft platform of human sociology and its excursions into eco-politics.

No one disputes the need for indigenous peoples' involvement in natural resources management, but

devolvement from all that has been in place before is generally inadvisable. The biggest problem arising from the now overwhelmingly strident assertion of indigenous 'rights' lies in the inadequacy of approaching conservation of wildlife and its habitats from standpoints of social and political doctrines, outside of what may be best biologically for implementing management to satisfy animal population needs. This problem can become even more fraught when the stridencies emanate from postcodes far removed geographically, as well as intellectually, from the ecosystems over which influence is sought more by that rhetoric rather than by scientific substance.

The madresses of political correctness, with obsession for overturning proven 'classical' systems, are illustrated ludicrously, as well as alarmingly, in the case of the firing by Arizona State University of Professor Jared Skaren because he was teaching Shakespeare and Ibsen, which his department head considered to be 'works from a sexist canon that is approached traditionally'. Apparently, Skaren was told he should have abandoned Shakespeare in favour of a play called 'Betty the Yeti', an eco-fable in which a logger forms an inappropriate relationship with a sasquatch and is turned into an environmentalist.

At 66 years of age, with a background of practical wildlife research and management in 14 countries, and more ahead, I hope that Clive Spinage will allow me the observation that if perceived by the politically correct as conservation dinosaurs, then the eventual departure of our kind will reduce biodiversity by yet one more useful species.

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A reply to Colchester

The reply (Colchester, 1998) to my article 'Social change and conservation misrepresentation' was predictable. I posed the question: 'If they have a case, why do they misrepresent the facts?' ('they' being an increasing lobby of neo-populists, Marxists and other liberal thinkers, which considers that national parks and

equivalent protected areas should be opened up to multiple-use, euphemistically referred to as the 'participatory approach' to conservation). To this question Colchester fails to provide an answer but counters with the facile rejoinder that the right questions are not being asked. Eschewing factual rebuttal, reliance is placed upon personal vilification, the last 'gasps of a misanthrope' and vague innuendo such as 'questionable underpinnings'. But, whereas I had occasion to make frequent reference to Colchester's writings, it is not my wish to trade insults. Informed debate is needed, not an attempt at suppression by attempting to discredit one's opponents. People must be allowed to make informed judgements and not be misled by the misrepresentation with which the issue has been addressed. The remark that it is easy to dismiss the new participatory models of conservation by tarring them as 'neo-populist', 'Marxist' and 'left-wing', is the standard response to any questioning of such ideologies. I have not argued, nor would I wish to do so, that new protected areas should be established by clearing them of resident human populations; although there is nothing wrong in that if the people are willing to leave and are adequately compensated. The point I wish to put across is that national parks and equivalent protected areas in Africa, where my experience lies, established before independence under colonial regimes (after much forethought) should not now be settled or opened up to multiple use, using spurious arguments such as that their original establishment contravened the United Nations Declaration on the Rights of Indigenous Peoples. Prior to 1961, it is doubtful if many people underwent any great hardship if they were relocated outside areas chosen as national parks. Despite the accent on ancestral lands, tribespeople in Africa had moved locations constantly in the past because of wars, the slave trade, famine and pestilence; and, at a more restricted level, shifting cultivation, as well as traditionally moving the village after the death of a chief.

Independent African governments favour national parks because they are an expression of nationalism. Removing them from central control to that of local communities is a return to tribalism and is basically a divisive, retrograde step for countries seeking to weld a national identity. Colchester argues that government bureaucracies are increasingly prey to political manipulation and predatory private companies. If by this he means that the areas are at risk because of government corruption, then that is not an argument against the conservation of such areas and they are better served by not providing loopholes in their administration.

Outlined are 'new' approaches of the main conservation bodies dated 1996 and 1997, but as Koch (1997) pointed out, compromises were first mooted at the 1982 World National Parks Congress. These were embodied in the 'Bali Declaration' (McNeely & Miller, 1984) as the points listed in my article. If these new approaches avoid injustice I have no quarrel with them. If they involve sacrificing conservation to political correctness, then I have. But I am sure that it is not the intent of these conservation bodies to attempt to subvert government's control of their state institutions.

As I have pointed out (Spinage, 1997, 1998a), the rights of indigenous peoples in Africa were stressed from the beginning of the century. Even if this was not always observed on the ground, it was nevertheless official British Government policy. In 1923, although not related to game issues, a Kenya white paper known as the Devonshire Declaration, produced by a Conservative government, stated: 'Primarily Kenya is an African territory, and His Majesty's Government think it necessary definitely to record their considered opinion that the interests of the African natives must be paramount... in the administration of Kenya His Majesty's Government regard themselves as exercising a trust on behalf of the African population...'. In the case of Tanganyika, the Government, by accepting a Mandate from the League of Nations, 'reaffirmed the principle, long an axiom of British policy ... that the well-being and development of such peoples form a sacred trust of civilisation' (Cmd. 1922, 1923). In 1930 a *Memorandum on Native Policy in East Africa* was sent to the governments of Kenya, Uganda and Tanganyika, repeating this information and affirming that His Majesty's Government expressed 'complete concurrence' (Cmd. 3573, 1930). A Royal Commission to East Africa in 1953–55 reported that, in the search for more grazing by pastoral tribes, the establishment of game reserves and national parks had become the subject of a good deal of criticism, originating sometimes in the complaints of a few cultivators who had been turned out of some of the places reserved for game, and sometimes from pastoralists whose customary water-holes had been included within the boundaries of a national park: 'It is most important that the hardships occasioned by these sudden changes should be sympathetically dealt with by the territorial governments and not left to be determined by lines drawn on a map, or dictated by officials of the game departments alone...'. The report continued: 'Whilst accepting these responsibilities [the need to preserve game for future generations], however, it is fully appreciated that, generally speaking, where the interest of man and game conflict, the need of the former must be considered paramount.' The Commission recommended that game reserves

(presumably as opposed to national parks, although the text is not specific) should not be regarded as immutable (Cmd. 9475, 1955). A Kenya 1956 Game Policy Committee concluded that the Royal Commission's general line of thought could hardly be called a policy, and that it appeared to view proper land usage only in relation to human usage, a somewhat negative attitude rejected by the Kenya Government (Anon., 1958). But colonial policy on the matter is clear.

My detractor refers to an example in Latin America, but is he referring to a national park or the territory of indigenous people in general? The statement of the International Alliance of Indigenous-Tribal Peoples of the Tropical Forests embraces a much wider field than that of national parks or equivalent protected areas. Colchester widens the issue to include all indigenous peoples' land and apparently does not believe that it is justifiable to exclude people from any land area, however small. But even Fenner Brockway, arch anti-imperialist and defender of African rights, protested it was desirable there should be some sanctuaries in Africa for its animal life (Brockway, 1955). It is not so much a question of participatory approaches, but of how the land is used.

The comments on social purpose are no more than philosophical humbug designed to obfuscate the issue. A national park, as originally conceived, basically is to protect species other than human. I did not give unquestioning priority to tourists; I gave as an example their report on what they saw taking place. And why does Colchester not suppose that there are African tourists? Most African national parks of which I am aware either allow local people free entry or entry at reduced rates. If foreign tourists were given any priority over African residents then it was to provide the income to maintain the area, but the only 'priority' would have been one of cost. There was never any racist bar as far as I was aware. That lies only in Colchester's imagination. But the point about tourists is that they are transitory. They have no rights of tenure in the areas, nor do they remove anything from them other than memories nor exploit them other than visually.

As to his 'questionable morality', is there morality in Nature? I am not referring to human nature but to nature with a capital N. As to how long such areas can last, this largely depends upon economics. If the people surrounding them have attained their economic aspirations, they will no longer wish to exploit other areas and will, on the contrary, wish to support their existence. We have evidence of this in Kenya, in the schoolchildren who support wildlife conservation and the editorials in *Swara*, the magazine of the East African Wild Life Society, written by Africans.

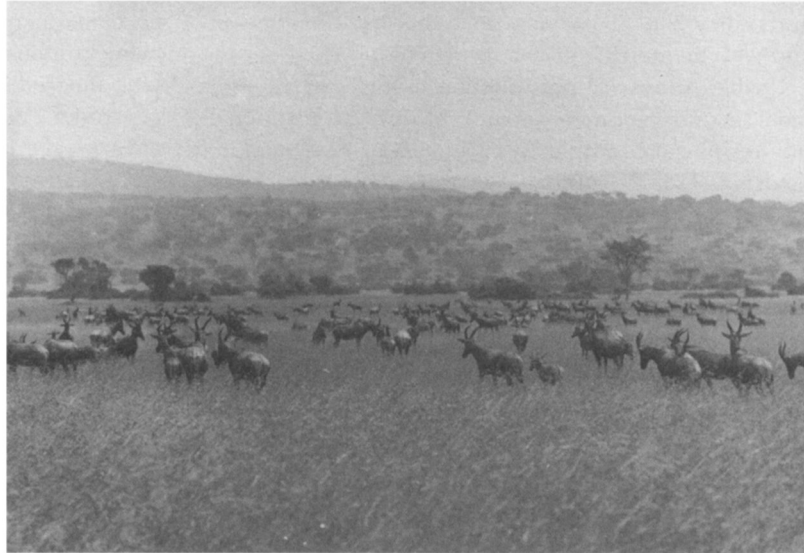


Plate 1 Remembrance of things past. Topi *Damaliscus lunatus* in Akagera National Park, Rwanda, 1968 (C. Spinage).

'Backed where necessary with the full power of modern weaponry'. The truth is that park guards are more likely to be armed with 1914–18 Lee Enfield rifles, or with nothing at all. Specialist teams may carry modern weapons for use in self-defence. But why should park guards be expected to be submissive lambs to be slaughtered by aggressive, armed poachers, who would be shot on sight by many police or military forces world-wide for simply carrying such firearms? I cannot conceive that international law, or internationally agreed human rights standards, posit that dangerously armed persons are entitled to do as they please.

'The new, participatory model ...'. Fine words, but what do they mean in reality? For a start, national parks in Africa are run by Africans and staffed for the most part by Africans. The governments are comprised of indigenous peoples, in some cases democratically elected. Local and customary political institutions have in many cases been supplanted by law based on colonial administrative and legal systems, but which, as I have pointed out elsewhere (Spinage, 1991, 1996), is not necessarily alien in concept. Most African countries have accepted colonial legal structures, whether for traffic control or criminal activities. Why should game law be singled out as an exception? And why is it misanthropic to consider control by governments as better than control by individual groups accountable only to self-interest?

But the lack of confidence to which he refers is not in who runs national parks, as he wrongly states, but what is done with them. He seems to be misinterpreting support of government control and maintenance of the status quo as a support for European control. Although in some cases this may well be desirable, we

have to be realistic and accept that we cannot turn back the clock. Whereas I am accused of being misanthropic, apparently for supporting central government control, Colchester's lack of confidence is in the long-term integrity of 'urban bureaucrats and park rangers', surely an even more dismally misanthropic vision. Why is the equal possibility of corruption under communal control not admitted? Presumably because Colchester believes in the left-wing dictum that power corrupts and therefore corruption is more likely under governmental control. So it boils down to handing over control to concur with left-wing ideology.

Ignoring the gratuitous sarcasm, a technocrat, not a word I used in my article, is a technical expert. Technological man is one who uses the fruits of modern technology. I made no assumption about peoples inside areas *now thought suitable for protected-area status*. My concern was with preserving what we (the human race) already possess, and I have not questioned that different accommodations may have to be made for any *new* areas that we may wish to acquire as worthy of preservation. This is not being inconsistent. Conditions have changed and there is a vast difference between allowing people into an area empty of humans to relieve population pressures, and removing people from an area to increase population pressure outside it. Let us consider the Akagera National Park in Rwanda (Plate 1). I do not know to what extent settlement may now have taken place but only 9.6 per cent of its total land area of 187,500 ha was considered suitable for agriculture (Mailland *et al.*, 1965). Who will have benefited if settlement has taken place: a few murderers perhaps? There was continuous pressure to allow settlement of this area up until the Rwandan holocaust, but if the

authorities had given in, would this have averted in any way the horrific genocide? I think not.

Unable to answer my question as to what government would permit a small tribe of 500 traditional hunters to exercise rights over an area of 40,000 sq km, he dismisses it as 'scoffing'. When we come to the latter part of the reply, either Colchester has misconstrued the entire tenor of my article, or this is another example of deliberate misrepresentation. His previous usage of the infamous example of the Ik (Colchester, 1997), infamous for being totally untrue, related to an existing national park and not to new proposals. The Ik themselves wished to take legal action against Turnbull for his misrepresentation (Heine, 1985), but international law probably has no provision for protecting such minority indigenous groups from what they perceived as outrageous calumny.

Of course communities can set up their own protected areas and manage them according to their own ideas if they wish. But I reject the notion that the higher category of protected areas, national parks and their equivalents, should be taken over and settled as multiple-use areas simply because they were originally created under colonial regimes.

Colchester asks, who is conservation to benefit? The traditional parks approach is mankind, now expressed as future generations. But I see it as benefiting the natural world, man refraining from the total destruction of which he is so capable. Rather than lumping the idea of national parks and protected areas together with sustainable use of the environment, it should be kept apart as one of the rational uses of the environment. The re-establishment of sustainable relationships between human beings and their environment is something that should take place outside existing protected areas, not in them. But the word sustainability is a glib catchword and Pearce (Pearce & Moran, 1994) has pointed out that 'sustainable use' is a contradiction in terms. Placing the words population increase in inverted commas can only indicate a mental hemiplegia. Few, apart apparently from this author, would dispute that population increase in many developing countries, based as they are on subsistence economies, can spell only tragedy. And few are in doubt as to its threat to the natural world.

Fairhead and Leach's book (1996) I have reviewed elsewhere (Spinage, 1998b). Although I am convinced of their case, they do not explain what created the impoverished savannah in the first place, and it is not justified from this admittedly highly important example, to claim that it shows that scientists often misread the relations between peoples and their environments; although scientific research by its very nature does not follow a straight line, many errors may

be made before the truth is reached. As to ecologists being responsible for the error, the original scientists who misread the situation were an agriculturalist and a forester. Western scientists may not have all the answers, but it is indisputable that western science as a whole is currently in advance of that of any other ethnic region in the world. Let us hope that the raft of new publications does not continue to misrepresent and mislead. Who will garrison the fortress? If it has to be a fortress, then the staff of the wildlife departments are the appropriate guardians. But it does not have to be an appeal to force, rather the polity of persuasion. And it is not a question of 'Who will guard the guards themselves?', more like, 'Beware, consuls, that the republic is not harmed.'

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