COMMUNITY PARTICIPATION IN BIODIVERSITY CONSERVATION: EMERGING LOCALITIES OF TENSION

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The 1992 Convention on Biological Diversity has created a path of interaction between the local and the global, the consequences of which are now beginning to emerge. In a 2007 message, the executive secretary of the Convention characterised indigenous and local communities as 'environmental managers with immense ecological knowledge' and 'crucial partners' in both conservation and sustainable use of biodiversity (Djoghlaf 2007).[1] This statement reveals a belief that these communities can make a significant contribution to the project of biodiversity conservation. It also signifies the emergence of a new locality to form a significant part of the legal discourse produced by the Convention. Combining elements of natural resource management and community participation, this new locality aspires to become a multi-stakeholder multiplicity of plants, animals and people. In fact it is a site of confusion in which meanings of environment, nature and community are at once imposed from above and contested from below.

This chapter explores two significant, interrelated, aspects of the establishment of this link between 'biodiversity' and 'community'. First, it argues that this link suggests a discursive and spatial shift in the focus of biodiversity conservation activities and debates,[2] from the global and the North, towards the local and the South. These newly delineated discursive and spatial boundaries offer an alternative to the state regulation and, subsequently, market mechanisms

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[1] For a critique of the implementation of the Convention in India, see Kohli and Menon in this volume.

[2] For a presentation of the concepts of environmental discourse, paradigms and discursive shifts see Dryzek (2007).

which failed to deal with the complexities of the 'environment and development' debate (Li 2005). Second, this chapter argues that this linking of biodiversity to community is part of a tendency in environmental discourse to extend the management of biodiversity as a system of biological and genetic (biogenetic) resources: Hence the ubiquitous use of the term 'community-based natural resource management' when referring to community approaches to conservation.

Drawing these two arguments together, this chapter concludes that even as the conceptions of biodiversity and community are employed to include local, rural or indigenous communities within an emerging global environmental discourse, they may, through their inherent contradictions and conflicts, actually serve to exclude them. This is because, although this form of community participation discourse ascribes a political and cultural 'otherness' to the traditional community, symbolised by the image of the biodiversity 'steward', it also forcibly attaches a 'managerial'--biological and economic--approach to the environment.

The first section outlines the 'managerial' approach that dominates current biodiversity thinking. Next, some of the difficulties posed by the entry of community-based approaches into biodiversity discourse are exposed. Finally, the last section describes three primary effects stemming from the link between biodiversity and community; effects that extend beyond the confines of the biodiversity discourse to pose questions regarding the role of a newly created locality in the development of international environmental law in the era of sustainable development.

MANAGERIALISM

The Biodiversity Convention has promulgated a 'managerialist' understanding of biodiversity in which biological and economic constructs are combined to conceptualise biodiversity not simply

as an ecosystem, but as a system of (biological and genetic) resources. The guiding principles of the Convention appear to descend from an original call expressed in the very first sentence of the proceedings of the 'Forum on BioDiversity', held in 1986 by the American Academy of Sciences: 'biological diversity must be treated more seriously as a global resource, to be indexed, used, and above all, preserved' (Wilson 1988: 3). These three functions (indexing, use, conservation) are mirrored in three main objectives (conservation, sustainable utilisation and fair and equitable benefit sharing) eventually adopted in the Biodiversity Convention (Article 1).[3]

Economic influences

For economists, biodiversity is 'biogenetic capital', a profitable system of biogenetic resources. Advances in the fields of biology and ecology are making it possible to use this system sustainably, and 'in ways that can relieve both human suffering and environmental destruction' (Wilson 1988: 3). This last observation echoes the economic and biological understandings of biodiversity promoted by the Convention: biodiversity conservation is presented as worthwhile because it is for the mutual benefit of both the environment and humanity.[4]

In addition to mapping out the operation of the, then new, concept of biodiversity, the proceedings of the 1986 Forum on Biodiversity develop a specific understanding of biodiversity as a global resource. This understanding is pushed further under the Biodiversity Convention which treats biodiversity as a resource that can be sustainably managed to provide multiple benefits to be (re-)distributed amongst various parties (CBD 1992: Art. 15). From its early origins, biodiversity has always been intertwined with sustainable development. The Biodiversity Convention originated at the same United Nations Environment Programme (UNEP) session

[3] The Convention's programme of work continues to revolve around this set of objectives, a fact which points to the importance of these initial discursive workings.
[4] This influential approach was first established and further developed in McNeely et al (1990) and Reid et al (1993).

which saw the release of the so-called 'Brundtland report' which introduced the concept of sustainable development (World Commission on Environment and Development 1987), and the final text was agreed and signed during the 'Earth Summit' at Rio in 1992. Ten years later, the CBD Strategic Plan formally conceptualized biodiversity as the 'living foundation of' and an 'essential instrument for achieving' sustainable development, further legitimizing the economic understanding of biodiversity (UNEP/CBD/COP VI/26 2002).

This economic understanding of biodiversity rests on the assumption that a simple relationship is common to all natural resources: the sustainable utilisation of biogenetic resources will create the necessary political and financial support for their conservation, so long as the benefits derived are shared equitably and are enough to finance conservation. Those benefits have increased exponentially since the development of biotechnology made the utilisation of genetic resources a profitable reality. Kathleen MacAfee (1999) is critical of this mechanism of 'selling nature to save it', but it has proved successful in garnering political support for environmental initiatives in the developing world, as evidenced by the near global membership of the Biodiversity Convention.

The influence of economics is apparent in the expression of the Convention's primary objective of 'conserving biodiversity', which is directed towards maintaining a sustainable stock of biogenetic capital, rather than, for example, the preservation of any fixed environmental standard. This signals a further departure from old-style 'command and control' methods of environmental regulation. The focus of the Convention's current programme of work expands upon the other two objectives of utilising this biogenetic capital and distributing the benefits in a fair and equitable manner. Those objectives are addressed in the negotiation for a new international regime regulating the access to and utilisation of these biogenetic resources (ABS

regime).[5] The increased attention afforded to this process seems to support the idea that an economic approach, focusing on the management of this valuable biogenetic capital, remains a priority for the parties to the Convention.

Biological influences

The Biodiversity Convention defines biodiversity in broad, strictly biological terms, as 'variability among living organisms from all sources; this includes diversity within species, between species and of ecosystems' (Article 2 CBD). As McConnell (1996) reminds us, this biological understanding was defended 'fiercely' from the outset of the Convention negotiations, despite the reticence of the negotiators:

Because the phrase "conservation of biological diversity" was so cumbersome a proposal to revert to the shorter, traditional concept of "nature conservation" appealed to many delegates who had no deep knowledge of the subject. But this was fiercely attacked by the few scientific experts present who had a hard but eventually successful task in convincing the ignorant majority that biological diversity was the correct term**.** Very soon everyone was using the shortened form–biodiversity--but with as yet little clear understanding of its meaning (p. 5).[6]

The science of biology is used to categorize natural components that may be considered as biological or genetic resources. The scientific experts in charge of promoting the concept of biodiversity on the international stage clearly intended to distinguish the term 'biodiversity' from the rest of environmental discourse, to create a separate field of inquiry.

[5] For the current draft under negotiation see the COP Decisions section of the CBD website.
[6] The head of the UK delegation at the 1987 UNEP governing council, Fiona McConnell, recalls this incident from the start of the negotiations for the Biodiversity Convention. Environmental experts delineated their domain and protected their privileged position from the beginning (1996 p. 5).

The legal definition of biodiversity adopted in the Convention text draws heavily on the biological approach. It is extremely broad and abstract, perhaps unhelpfully equating diversity with variability, but certainly equating biodiversity with the sum total of all life on Earth, minus humanity. As such it legitimises a certain 'bio-based environmentalism.'[7]

According to the biological interpretation, biodiversity is constantly quantified, categorized, stratified, classified and specialised, creating an intricate network of organisms and ecosystems under the sole discursive control of the biodiversity expert. [8] While humanity is not excluded from the legal definition of biological resources,[9] it is restricted to the position of the outside adjudicator of the value of these resources. Thus, the boundary between 'external' nature and 'internal' humanity is reinforced, strengthening a limited understanding of environmental issues as issues pertaining solely to an outside nature, an 'other' outside of humanity's social and cultural existence.

An invitation to manage

The Convention and related documents set clear conceptual boundaries of what constitutes legitimate environmental knowledge and, consequently, action.[10] The resulting biodiversity 'managerialism' focuses on biological and economic interpretations of biodiversity to the exclusion of other--namely social and cultural--considerations. Thus a complex and multi-layered environmental concern over the loss of biodiversity is transformed into a specific interest in promoting the appropriate management of a newly discovered biogenetic capital.[11] So, an

[7] On the possibilities for alternative ecological articulations see Forsyth 2003. For more radical perspectives see Lopez (2007).
[8] For an initial examination of the development of the scientific field of conservation biology that deals specifically with the issue of biodiversity see Sarkar (2005). For a more detailed analysis see Norton (2002). For an early imagining of this scientific field see Soule (1986).
[9] 'Biological resources includes genetic resources, organisms or parts thereof, populations or any other biotic component of ecosystems with actual or potential use or value to humanity' (Article 2 CBD).
[10] On how the production of scientific knowledge regarding nature affects environmental intervention see Litfin (1994: Ch. 2).
[11] On the notion of 'discursive works-ups' that transform broad environmental concern into resource managerialism see Luke

'invitation' to participate in the discourse of biodiversity such as that extended by the Convention's secretary can be read as an invitation to become a biodiversity manager – to utilise the available biogenetic capital based on technical knowledge provided by the Convention.

Since the articulation of environmental concerns in terms of biodiversity necessitates a combined economic and biological understanding of the problem, the entry of the local and indigenous communities into the biodiversity discourse in turn assists in the ever wider dissemination of this specific, dominant conception of biodiversity. Local communities are invited to participate in the pursuit of sustainable development via this conception of a sustainably used and profitable biogenetic capital; the becoming of a 'biodiversity manager.'

DIFFICULTIES IN COMMUNITY PARTICIPATION

After a long history of environmental rhetoric oscillating in a futile manner between the competing state and market-based paradigms, community-based approaches are generally considered a 'third way' of sorts in environmental regulation. Past failures of both state and market approaches have led to a certain level of cynicism and resignation:

[C]ommunities could not do a worse job than corporations, states, multilateral agencies and development experts who have caused an extraordinary amount of human and environmental damage' (Brosius et al. 2005: 1).

The viability of a community-based approach to conservation was acknowledged as early as 1992, when Principle 22 of the Rio Declaration introduced an obligation to protect indigenous and local communities;[12] and Agenda 21 dedicated a separate chapter to calling for the

(1999). Luke expands this notion to include the 'three Rs': resources, recreation and risk.

[12] 'Indigenous people and their communities and other local communities have a vital role in environmental management and

'empowerment' of indigenous communities, their 'participation in the national formulation of policies', and their 'involvement, at the national and local levels, in resource management and conservation strategies' (CSD 1992: Paras 26(3)(a)-(c)).

The promise of sustainable development further complicates this 'third way', as participation seems to be equated with a complete regeneration of economic, political and historical agency previously denied to these communities. However, the Biodiversity Convention focuses rather more narrowly on the twin issues of the traditional dependence of these communities on their surrounding biodiversity, as well as the protection of their traditional knowledge to improve biodiversity conservation. In this limited context, community participation in biodiversity discourse was originally hampered by a conflict between the national orientation of the original Treaty text and an increasing emphasis on the local in subsequent biodiversity discourse. The global ABS regime (see below) aims to resolve this conflict. But a deeper obstacle, in the form of the idealisation of these local and indigenous communities as ecologically wise 'stewards', shows no signs of being resolved.

From the national to the local

As Le Prestre has astutely noted, the loss of biodiversity may be considered a 'world-wide'--as opposed to a global--problem, in the sense of being 'experienced by all countries, but resolved in a way that is largely national' (Le Prestre 2002:4). The Biodiversity Convention appears to follow this blueprint, leaving implementation almost exclusively to national initiatives.[13] Any global aspirations are limited to a preambular recognition that 'the conservation of biological diversity is

development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development' (UNCED 1992 Principle 22).

[13]For example, the two main Treaty provisions regarding in situ (Article 8 CBD) and ex situ (Article 9 CBD) conservation oblige Parties to 'adopt national plans and measures....as far as possible and appropriate'.

a common concern of humankind'. The Convention includes no global standards of biodiversity, nor global lists of protected areas, nor appendices of protected species; essentially no substantive, binding standards to be measured or legal obligations to be enforced against signatory States. In fact, in order to comply with the provisions of the Convention, national governments must merely report that they consider themselves to be in compliance, for example by adopting national biodiversity conservation strategy that it deems to be 'effective for meeting the objectives of the Convention'. Second, the Convention reaffirms the principle of national sovereignty over the created biogenetic capital (CBD 1992: Arts. 26 and 3). Third, the 'fair and equitable' sharing of benefits from the sustainable utilisation of genetic resources[14] will take place at the national level, as the text identifies national governments as competent authorities for implementing the Convention. Consequently, the Convention objective of 'benefit sharing' refers to redistribution between, and not within, States.[15]

Local and indigenous communities are specifically in a paragraph on the protection of 'traditional, knowledge, innovation and practices,' which falls within the Convention's objective of biodiversity conservation (CBD 1992: Art. 8(j)). This protection seems to be afforded simply on the basis of what has been called a 'founding assumption' that:

[P]eople who live close to the resource and whose livelihoods depend on it have more interest in sustainable use and management than do state authorities and or distant corporations (Li 2005: 428).

Second, the preamble of the Convention recognizes the 'traditional dependence of ... communities embodying traditional lifestyles' on local biological resources. Thus the assumption

[14] One of the Convention's three objectives set out in Article 1 and further explained in Article 15.
[15] For example: 'Each Contracting Party shall take... measures ... with the aim of sharing in fair and equitable way...the benefits arising from the commercial and other utilisation of genetic resources with the Contracting Party providing such resources' (Article 15(7) CBD).

that proximity to the biological resources increases knowledge and interest in their sustainable use is reinforced. Furthermore, these communities are expected to take biodiversity more seriously in exchange for this recognition of their traditional knowledge and local interests. This limited construction of a community-based approach is far removed from the empowerment described in Agenda 21 or the 'devolution to local polities' (Rose 2008: 213) frequently discussed in the 'communities and conservation' literature.

The Convention text eschews hitherto popular terms such as 'common heritage' that had been used to signify the global character of environmental problems. This retreat from earlier global aspirations directs the action towards the national level, so the state-centric character of international environmental law is retained. The lack of a local element, beyond the emphasis on the protection of traditional knowledge, makes it difficult to understand how community-based approaches came to such prominence in biodiversity discourse, as exemplified by the endorsement of local and indigenous communities by the Convention's executive secretary (See above). However, the language surrounding the Convention has shifted over time in subtle, yet important ways, from the original State-centric approach.

The first major step towards a genuine focus on community participation was the recognition of local and indigenous communities as stakeholders in the context of the non-binding Bonn Guidelines (2002) regulating access to genetic resources and benefit sharing.[16] Under the guidelines, these communities are stakeholders to be engaged in securing prior informed consent of the local population for an outsider to gain access to a genetic resource, and the terms on which the benefits of commercial utilisation of the resource will be shared. Second, the steadily increasing importance the role of community in biodiversity discourse was further signified by

[16] These guidelines were a response to accusations of 'biopiracy', for more on which see Shiva (1998: 484) and Svarstad (2002).

the creation and continued operation of two separate working groups devoted to local and indigenous communities.[17] Third, the Biodiversity Convention has adopted the non-binding Akwé: Kon Guidelines (2004). These introduce provisions for the participation by, and taking into account of the needs and concerns of, local and indigenous communities in the design and implementation of development projects (Secretariat of the CBD 2004). Again, close proximity to the harmful effects of these projects is the major criterion for intervention. The last major step towards the local is the evolution of the non-binding Bonn Guidelines into the negotiation of a fully-fledged, possibly binding, international regime for the regulation of Access and Benefit Sharing (ABS) Regime (UNEP/CBD/COP VII/19 2004). Under that Regime, recognised stakeholders would presumably join national governments at the centre of the stage. The ability to share in the benefits derived from the sustainable utilisation would support a community-based approach to the management of the biogenetic capital of biodiversity, creating a direct path for the pursuit of sustainable development.

Despite all these steps, and in contrast to the early declarations included in Agenda 21, biodiversity discourse continues to reserve a fairly limited role for these communities. The emphasis is on specific and restricted economic rights surrounding the redistribution of benefits from the sustainable utilisation of biogenetic capital. The suggestion is that being able to profit from a conveniently located resource can in itself be a solution to a host of political and social problems faced by these communities. Secondly, as we have seen, the Convention seems to trap these communities in a procedural 'limbo' by recognising them as stakeholders, but not right-holders, in a number of legal processes. The extent of that 'stake' remains unclear, but it is certainly understood as something less than a right.

[17] These are the working group on Article 8(j) and the working group on ABS established by UNEP/CBD/COP V/26 (2000).

Communities as traditional 'stewards' of biodiversity

At the 'point of entry' into biodiversity discourse, local and indigenous communities seem to embody a nostalgic ideal of 'small, localised communities that can operate in harmony with nature' (Philippopoulos-Mihalopoulos 2007, Ch. 5) and 'reified models of cohesive, village-located societies with tight tribal structures' (Wilder 1997: 222). This notion of local or indigenous community is habitually used to remind and warn the outside 'observer'--usually urban societies in the global North and South--of their own alienation from their environment. As Wilder (1997) observes, this 'tendency to thematize indigenous peoples is a phenomenon that is peculiar to advanced world societies' (p. 216).

Much of the discourse around 'communities and conservation' assumes that a local community consist of a small spatial unit, with a homogeneous social structure, guided by shared norms (Agrawal and Gibson 1999). This is a timeless and de-contextualised entity, existing in parallel to mainstream history, linked to a static, local environment and characterized by rigid and unchanging social and cultural structures. Traditional practices of resource management are, by extension, thought to be small-scale, homogenous, not resource-intensive, isolated from external influences and naturally geared towards self-sustainability. The result is a:

> persisting myth that tends to romanticize human communities and their abilities to apply wisdom and foresight in their relationships with their resources and each other (Baland and Platteau 1996: 183).

This community 'nostalgia' for a localised past in harmony with nature (Philippopoulos-Mihalopoulos 2007), is encapsulated in the image of the biodiversity 'steward': 'what is blessed in the "other" is nothing but the opposite of our own society; it is the hidden solution to our own

anxieties' (Bruckner 1986: 103). Furthermore, community is defined as in perpetual opposition, especially in relation to the past failures of the State and the market. Although local communities enter into the field of biodiversity as something to be admired, they must ultimately be reconciled and integrated into a pre-existing discourse. For the image of a 'traditional steward' is not consistent with that of the 'biological and economic manager' so beloved of biodiversity discourse.

This nostalgic construction of community leaves little scope for change. Paradoxically, its members must remain within the nostalgic 'stewardship' construction if they are to continue to be recognised as this specific form of (local, indigenous or rural) community, while at the same time adopting the managerial approach required by the biological and economic understanding inherent in biodiversity discourse. These communities are 'required to play on the ethnicity attributed to them' and adhere to their homogeneous, ecologically-wise stewardship (Wilder 1997: 242). Being bound to the image of the traditional steward and an externally-constructed, continuously imposed, history of harmonious local co-existence with nature, they are also constantly located on the outside of modern and urban societies. In this way, their political and historical agency is severely hampered. They are less likely to influence, and even less likely initiate, law-making that affects them. Ultimately even at the moment of their participation, these communities become trapped in a historical limbo, unable to shed their traditional identity or move completely forward into a new managerial role. Despite all the steps achieved in engineering community participation, they remain excluded; 'noble savages' locked outside the city gates.

Effects of Linking Community and Biodiversity

Despite the difficulties outlined above, the 'entry' of community into biodiversity discourse has changed the conceptual and physical geography of the field. An alternative 'map' of local community has been grafted onto a pre-existing 'map' of biodiversity by enabling first, a shift in focus towards the developing world free from the controversies that have plagued past attempts; and second, the rejection of the 'protected area' as the primary target of biodiversity regulation, in favour of a more open 'multi-stakeholder locality'. However, the conflicts and uncertainties inherent in the discursive link between biodiversity and community have produced a 'locality of tension'. Here, understandings of biodiversity and community are contested through an emerging third--and perhaps unintended—effect: the emergence of direct pathways between the local and the global.

A new discursive territory and the reversal of causality

The first section of this chapter examined how biodiversity discourse focuses on the loss of biogenetic resources: if biodiversity is simply a biological resource or system of resources or biogenetic capital, then it can only be effectively understood in biological and economic terms. In this way, the relatively open discursive territory implied by terms such as 'nature' or the 'environment' is replaced by the bounded territory of biodiversity, under the strict control of the biologist and the economist.

The creation of this new discursive territory is supported by the extensive knowledge and information functions of the Biodiversity Convention. These include a separate permanent scientific body, a 'clearing-house mechanism' for the collection and dissemination of biodiversity information, as well as the 'global taxonomy initiative', which coordinates classification activities (CBD 1992: Arts 25 and 18(3)). These mechanisms attempt to position the Convention as an

'overseer' of knowledge production regarding the conservation and utilisation of biogenetic resources, a global site for the creation of the new discursive territory of biodiversity. Despite reaffirmations of national sovereignty over resources, biodiversity experts have become the interpreters of the new environmental reality of biogenetic capital, arbitrators of 'appropriate' biodiversity management, and, ultimately, the sovereigns of this new discursive territory.

This new territory was primarily understood from a global perspective and was often the source of generalising claims about the relationship between two fictional entities, such as a global humanity and a global biodiversity:

the primary cause of decay of organic diversity is not direct human exploitation or malevolence, but the habitat destruction that inevitably results from the expansion of human populations and human activities (Ehrlich 1988: 21).

Overexploitation or over-consumption is conceptually associated with the consumerist societies of the North; while 'uncontrolled' human encroachment on the environment through population growth is discursively linked with the sprawling, uncontrolled metropolises of the South, complete with images of *favelas*, illegal logging and rising pollution and waste. By universalising claims regarding the impact of population on biodiversity, the focus of the biodiversity discourse turned to the South, the area with the largest expansion of human population. Biodiversity loss is now thought to be caused by the over-population of the South, not over-consumption of the North. As the location of 'problematic' population growth and rapid habitat destruction, the South became the new location of major biodiversity loss. A range of simplistic, reactionary and

highly controversial solutions were proposed to deal with the newly defined problem, such as that 'the growth of the human population must be halted' (Ehrlich 1988).[18]

This awkward and reactionary development has been short-circuited by the entrance of community into biodiversity discourse. The South is re-imagined as the location of the majority of the biogenetic capital, and hence of the solution to the problem of biodiversity loss. This profitable discovery came at a 'price': managerialism, without which the concept of biogenetic capital cannot be understood. The result is that the South as a whole (and its local communities more specifically) bear both the responsibility and the solution for a major environmental disaster, such as biodiversity loss.

From protected areas to a multi-stakeholder locality

The second geographical shift produced by linking community with biodiversity is the rejection of the protected area or the natural reserve as the primary mechanism for biodiversity conservation. The designation of a natural reserve or protected area, whereby certain territories are 'walled –off' and granted special legal protection, especially from human intrusion, remains one of the most direct ways by which environmental law can influence the physical environment. The idea of separating nature and humanity originates in an excessively biological focus, which conceptualises the health of the natural environment as independent from, or even in conflict with, humanity. The nature reserve represents a conceptual walling-off of nature, an attempt to preserve a single, Northern conception of nature as a repository of nebulous environmental values that appear lost to urban populations. It is an impossible attempt to rid nature of social and cultural elements, precisely because the ideal of 'pristine' nature, much like the ideal of a

[18] For example, by 1996, influential commentators Reaka-Kudla et al. were discussing both overexploitation and over-consumption on equal footing with overpopulation.

local or indigenous community, is in itself a social construction of Northern societies that consider themselves alienated from nature. This process remains a largely State-centric process, as environmental treaties hold national governments responsible for designating and maintaining protected areas. Indeed, the environmental credentials of national governments are often measured by the extent of these protected areas. Moreover, the strict boundaries and regulations of these protected areas have often been directed specifically against local and indigenous communities. Environmentalists have in turn regarded those communities as utilitarian, short-sighted, ignorant of the intrinsic environmental value of their land. Their stewardship role had been seen in the past as an obstacle to the institution of rational resource managerialism (Agrawal and Gibson 1999: 631).[19]

As the notion of community entered into biodiversity discourse, so the previously walled-off protected area was transformed into a multi-stakeholder locality, the site of multiple interactions between nature and humanity. It is now more than a natural landscape to be protected from encroachment. It is a profitable place with the last reserves of biogenetic resources and a local population that could manage them sustainably to its own benefit. Conceptual and physical boundaries around these protected areas were torn down, opening them up to the possibility of sustainable utilisation and drawing the South into an environmental discourse that had previously sought to keep local and indigenous communities at arm's length. Biodiversity regulation today refers not just to the protection of plants and animals, but to complex interactions between plants, animals and humans.

[19] For a description of such problems encountered by local communities in a US setting see Duane (1997).

A LOCALITY OF TENSION

The main consequence of the establishment of a link between community and biodiversity appears to be the creation of an open, multi-stakeholder space for sustainable development and community participation. But it remains very much a work in progress, its exact contours unclear. What is certain is that it is a locality of tension.

The introduction of community into biodiversity reflects a tendency in international environmental law to operate through successive uncritical acceptances and steadfast idealizations of ecological concepts. Early environmental law focused on the protection of a nebulously defined environment, idealizing the intrinsic value of the natural landscape and life devoid of human intervention, as exemplified by the State-sponsored designation of protected areas and natural reserves. Under the influence of sustainable development, environmental law aimed to create the conditions for the sustainable management of a natural capital (which in the context of biodiversity was transformed into biogenetic capital) as a panacea to the woes of State-sponsored environmentalism. The last step in this process of uncritical adoption appears to prioritise 'generic, model-type ideas' (Brosius et al 2005: 2) of local and indigenous communities, idealizing a perceived local relationship with nature as an environmental solution to alleviate the failures of both the State and the market.[20]

The steward and the manager are equally external constructions and the unnecessary dualism they engender leads to unclear and defective participatory initiatives. Lisa Wilder has discussed this problematic duality in relation to the granting of native titles to Aboriginal communities.[21] She concludes that 'if an indigenous people is successfully to claim surviving rights and interests

[20] Throughout these shifts in legal discourse, the reductionisms are clear; from the reduction of nature initially to a beautiful landscape and subsequently to natural capital, to the reduction of complex localities to a rigidly structured and un-evolving traditional community.
[21] Of which *Mabo and others vs. Queensland* (No. 2) (1992) is the most prominent case.

in land, it must clothe itself with the requisite authenticity', presenting an alternative, traditional conception of land that nevertheless persists in today's modern society (1997:240). However, by articulating such land claims in an accessible, 'modern' form or even resorting to proceedings in a court of law, claimants can do damage to them: 'it is not clear how much change a society can tolerate before the court will regard it as *insufficiently authentic* to support a claim of surviving title' (Wilder 1997: 240. Emphasis added.). The more modern they become, the less indigenous, the less worthy of the 'privileges' allowed under community participation mantras they will appear. In reality, local communities are fluid structures that can co-evolve according to changes in the local environments and perceptions.[22] Indeed, there are many parts of the world where, far from being a timeless enclave of authenticity, indigenous community has been subjected to the power of numerous globalising and centralising discourses (colonialism, imperialism, cosmopolitanism, economic globalisation), resulting in violence, assimilation and dispossession.

It is in these parts of the world in particular where the goal of empowerment through the sustainable development of biogenetic capital seems to overwhelm the procedural stakes offered by biodiversity discourse. Community-based approaches must cater to the interests of communities at least as much as they cater to the perceived interests of biodiversity. But while there is much discussion of how these communities will assist the effectiveness of conservation, little attention is paid to ensuring that biodiversity conservation will in turn assist these communities. This is an especially significant omission since the promise of sustainable development, by way of Rio and Johannesburg, has drastically increased expectations.

In theory, the local can now filter more easily to the international level. Even from a marginal position community has voice, and can fight back, contest and manipulate the discursive shifts

[22] This is an argument put forward by 'grassroots' social movements that link different localities. The social movement literature is vast, but for some representative examples see: Escobar (2004), Escobar et al. (2002) and Flitner (1998).

and outcomes. But as they oscillate between the images of the steward and the manager, these 'stakeholder' communities have little real chance of introducing their own definition of conservation and development priorities into the discourse.

Until a balance between the role of manager and the steward is found and communities can construct and implement their own imagined future, the link between community and biodiversity will continue to create a tension at the local level, and to allow that tension to filter up to the global level. As long as the manager is described as global, rational and scientific, and the steward as local, spiritual and traditional, the entry of community into biodiversity will remain incomplete. Left unchecked, enforced managerialism and tribalism will eventually institutionalise communities as opposite, un-evolving and un-evolved 'other' to our modern selves; an addition to the beautiful landscape.

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