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Conservation-Based Resource Conflicts and Theories of Territorial Rights:

A practice-based approach

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Abstract

My dissertation aims to highlight the wrongs of conservation resource-based conflicts, and the potential displacement caused by the imposition of fortress conservation, and the theories that capture such wrongs. My focus is on conservation conflicts between indigenous groups and their various states on the African continent, specifically the case of the Ogiek indigenous group and the Kenyan government. I will describe conservation resource-based conflicts and highlight the three interconnected wrongs of conservation-induced displacement by studying attachment-based theories in territorial rights literature and a practice-based approach from the forest governance literature.

My work utilises a fact-centric, non-ideal approach to normative political theory. It is non-ideal because I will try to capture and rectify the multiple wrongs experienced by indigenous groups in the context of biodiversity conservation. It is fact-centric because it will ground theoretical research on empirical results.

My dissertation will proceed in the following ways: Chapter one will suggest that the imposition and enforcement of fortress conservation contribute to conservation conflicts that ultimately lead to the displacement of indigenous groups. I will show how, given the interconnectedness between human and non-human entities at the core of several indigenous approaches to biodiversity conservation, conservation-induced displacement generates three interconnected wrongs: territorial, epistemic and identity-based wrongs. Chapter Two will highlight the relevance of discussing conservation-based resource conflict through the lens of territorial rights and natural resource conflicts.

Chapter three will address conservation resource-based conflicts and the displacement that follows them by studying the relevance of attachment as a special claim to territory and resources, and ameliorating it with a practice-based approach. Chapter four will show the importance of recognising the fact that conservation-induced displacement affects members of indigenous groups asymmetrically, with women, in some cases, suffering double wrongs.

Introduction

Since biodiversity loss is an urgent global concern, there has been constant global demand for biodiversity conservation. Conservation scholars, policy makers, political theorists, and philosophers have offered suggestions on how to reverse biodiversity loss in one way or another. For example, Edward Wilson suggested that to avert the mass extinction of species, we must dedicate half the surface of the earth to nature (2016). The new Kunming–Montreal global biodiversity framework (GRF), alongside the states, agreed in December 2022 to set an agenda to halt and reverse biodiversity loss by 2030. This agenda is known as the 30x30 target. It requires 30% of the world's land and water, especially areas with significant biodiversity and ecosystems, to be conserved by 2030 through protected area systems. This target will no doubt put further pressure on states to conserve biodiversity hot spots, which, in turn, pose risks to indigenous territories. We usually think that state-managed protected areas are a key solution to biodiversity protection. Margaret Moore, for instance, has argued that to address the current global biodiversity loss crisis, states must create rules and regulations to protect biodiversity hotspots within their territories (2023). In thinking this way, they continue neglecting some conservation-induced displacements or consider them as unavoidable externalities, thereby failing to treat some individuals as subjects who deserve respect for who they are, what they do, and how they connect with certain pieces of land. In many cases, biodiversity conservation involves inflicting harm on the local people in the location where conservation occurs. The creation of national parks involved the coerced and forced displacement of indigenous groups. The problematic question is philosophical in spirit: To what extent is it realistic to achieve such ambitious conservation targets without compromising the human rights of people residing within the location where conservation is to take place? Political philosophers have begun to question what is owed to human beings in the process of discharging conservation responsibilities, as they find that in many cases, unjust conservation policies cause the displacement of indigenous groups (Armstrong, 2017; Martin, 2017; Tan, 2020). For example, Armstrong questions how to address the loss of located life plans when people are displaced due to unjust conservation policies.

Many cases of conservation conflicts involve indigenous groups and often lead to their displacement. The reason why cases of conservation conflicts involve indigenous groups is that they usually live in areas that have most of the Earth's biodiversity. It is also noted that half of the world's protected areas have been established on lands occupied or regularly used by Indigenous groups (Luoma, 2023). Given that indigenous cultural and spiritual identities, as well as their livelihood, are inextricably intertwined with their lands, territories and resources (Tauli-Corpuz et al., 2020), displacement is problematic to them as they lose their place-based life plans and identity in this process. As I will later show across the chapters, my focus on the cases of conservation conflicts will be mostly on cases from the African continent. Cases such as the Ogiek indigenous group and the Kenyan government are interesting examples of conservation-based resource conflict that will serve as a reference point for my argument throughout this work. Since the colonial and post-colonial eras, the Ogiek indigenous group has continued to resist multiple attempts by the Kenyan government to ban their access to the Mau forest and displace them in the name of biodiversity conservation. Scholars working on territorial rights have, over the last decade, engaged in issues of resource conflicts and displacement but despite their attention to the issue of resource conflicts and displacement in the literature on territorial rights, there has been little attention to a case, like that of the Ogiek, where indigenous groups and political authorities clash over biodiversity conservation, and in which competing views of legitimate conservation practices may induce displacement. Additionally, in territorial rights literature, several cases of the defence of indigenous territorial/resource rights exist. However, such a defence idealises them so much that injustice against women due to patriarchal attitudes within the group is almost overlooked. As I will later show in my work, even in the case of conservation-induced displacement, focusing solely on indigenous collective rights is not adequate. It is crucial to acknowledge that conservation-induced displacement affects members of indigenous groups asymmetrically, with women, in some cases, suffering double wrongs. This stems from the fact that within several indigenous groups, the gendered division of labour shapes gender differential interests in resource use, thereby creating gendered life plans and gendered knowledge. Yet, they are not given equal attention within the community or in those processes trying to address conservation-induced displacement.

My dissertation studies conservation resource-based conflicts and the displacement of indigenous groups that may follow from them. In conservation conflicts between nation-states and indigenous groups, the challenge is not just about knowing how indigenous groups are attached to their territory and resources or depend on continuous access to their ancestral resources for located life plans. Instead, the argument is that nature and people should be separated, either because people are too dangerous to be allowed to be part of the landscape and/or because the idealised perfect landscape is conceived to be ‘wilderness’, a place without people (Cronon, 1995; Neumann, 1998; Nash, 2001). The notion that nature can only flourish when sequestered from humans characterises fortress conservation (Luoma, 2023: 93). It is assumed that when confronted with resource management, humans will prioritise sustaining their livelihoods over biodiversity conservation. For instance, overfishing or overextraction of forest resources is often attributed to a problem of human self-interest in resource use. This way of thinking about the relationship between humans and nature characterises the nation-states' conservation policies that impose and enforce fortress conservation on indigenous communities, thereby restricting their access to their ancestral territory and its resources.

While my focus is on studying conservation conflicts and the displacement that follows them, by highlighting the specific wrongs of conservation-induced displacement and analysing the interdependent interaction between indigenous groups and nature through a practice-based approach, I acknowledge the input of territorial rights scholars, especially on how they have applied attachment-based theories to address the cases of territorial wrongs and displacement. In the context of conservation conflict, I will argue that attachment-based theories can address territorial wrongs, such as a lack of access to territory and territorial resources for located life plans. However, as we shall later see, it is insufficient to address other wrongs of conservation-induced displacement, such as epistemic wrong and identity-based wrong. Secondly, attachment-based theories tend to maintain a one-way (person-to-natural resource) orientation that is devoid of agency and non-human elements, and in this way, they make us lose sight of the relevance of cultivating an interdependent relationship with non-human entities. To make progress in unpacking the normative issues connected with conservation-based displacement, I propose to advance attachment theories through the integration of a practice-based approach from forest conservation studies into normative theorising. This innovation can help us account not only for the territorial, but also for the epistemic and identity-based wrongs of conservation-based displacement. I introduced this practice-based approach because it is crucial to analysing the interconnectedness of human and nature and demonstrating that human and nature participate in interdependent relationships. Additionally, a focus on practice will help analyse how humans sustain their interdependent relationships with nature. This approach, I think, can help us give due weight to the interdependent relationships between humans and non-human entities within their natural environment, and, therefore, make progress in identifying the wrongs of displacement induced by several projects of fortress conservation across the world.

To achieve my goal in this dissertation, I will use a fact-centric, non-ideal approach to normative political theory. It is non-ideal because I try to highlight the multiple wrongs experienced by indigenous groups in the context of the conservation of biodiversity[1]. It is fact-centric because it seeks to ground theoretical research on empirical results. In this spirit, this pertains to an ongoing endeavour to integrate more closely empirical research into political theorising. A fact-centric approach to normative theorising focuses on social-scientific empirical results to draw normative conclusions as opposed to the formulation of abstract, intuition-driven

[1] On the distinction between types of non-ideal theorising, see Valentini (2012) and Rossi & Sleat (2014).

moral values (Rossi, 2023: 483). A fact-centric approach uses empirical data to develop normative claims (Rossi, 2023). Following a fact-centric approach, I relied on the available empirical data concerning the conservation-induced displacement of indigenous groups to develop normative claims that are valuable for addressing conservation conflicts and displacement. While I adopt a fact-centric non-ideal approach, I recognise that other non-ideal approaches, such as decolonial and transitional justice, are also valuable to studying conservation conflicts and displacement. In this work, I adopt a fact-centric approach for diagnostic and normative reasons. At the diagnostic level, a fact-centric helps to capture and describe the real-world features of the interdependent relationship between members of indigenous groups and nature. At the normative level, fact-centric approach can substantiate proposals that are more in line with real-world constraints faced by indigeneous groups, states and NGOs. In other words, my methodological standpoint aims to highlight realistic steps for NGOs and state agencies to take actions that can reduce the displacement of indigenous peoples (as they can now pay attention to such interdependent interactions in enacting conservation policies). While a decolonial approach to conservation critiques colonial and state structures and emphasises indigenous sovereignty and epistemologies (Milgroom & Claeys, 2025) and transitional justice focuses on past historical wrongs in conservation (Luoma, 2023), they, on the one hand, use a vocabulary and philosophical assumptions that are not necessarily intuitive for those affected by conservation-based displacement, and, on the other hand, are not in line with the present-day priorities of the African Court on Human and Peoples' Rights (ACHPR).

Within this framework, I will adopt the standard definitions in empirical research to conduct my analysis. That is,

- *Biodiversity* is a term used to describe the variety of life on Earth, including all ecosystems, such as terrestrial, marine, and freshwater environments, and the ecological systems of which they are part. This encompasses diversity within species, between species, and between ecosystems (Armstrong, 2024: 3).
- *Conservation* is defined according to the International Union for Conservation of Nature and Natural Resources, as the management of human use of the biosphere so that it may yield the most significant sustainable benefit to present generations while maintaining its potential to meet the needs and aspirations of future generations (IUCN, 1980 p: 1).
- *Fortress conservation* is a practice where areas designated for conservation protection are bordered and guarded to keep wildlife and unwanted humans out (Dowie, 2009: xvii).
- *Conservation-based conflicts* are defined as "situations that occur when two or more parties with strongly held opinions clash over conservation objectives and when one party is perceived to assert its interest at the expense of another" (Redpath et al., 2013: 1).

It is against this backdrop that my dissertation will proceed as follows.

Chapter one will suggest that the imposition and enforcement of fortress conservation contribute to conservation conflicts that ultimately lead to the displacement of indigenous groups. I will introduce the idea of interdependent relationships between human and non-human entities to show that conserving biodiversity without displacing people is possible. In this regard, I will challenge the idea that the interests of human beings and those of nature are necessarily in conflict. Humans indeed exploit natural resources because they rely on animals and plants to sustain their survival; animals and plants also exploit each other in order to survive. Nevertheless, I will argue that in addressing biodiversity loss, it is important to acknowledge that humans and non-human species are not necessarily in conflict, but they also coexist and interact in interdependent relationships within their shared environment, that is, humans and non-human beings are not separate units of analysis; they are interdependent and inextricably interconnected. Furthermore, considering the interconnectedness between human and non-human entities at the core of several indigenous approaches to biodiversity conservation, I will argue that conservation-induced displacement generates three interconnected wrongs. Two wrongs (territorial and epistemic) are first-order; a third wrong (identity-based) is second-order. It is second order because it depends on the fact that indigenous groups are wronged on territorial, epistemic (or both) grounds. I will argue that this tripartite framework to assess the wrongs of conservation-induced displacement can help us see why relocation or monetary compensation cannot be the solution to the displacement of indigenous groups for the sake of protecting biodiversity.

Chapter Two will show the importance of discussing conservation-based resource conflict through the lens of territorial rights and natural resource conflicts. Over the last decade, political theorists focusing on territorial rights and natural resources have paid attention to the negative impacts of resource conflicts, even introducing a broad array of new normative theories, such as attachment-based theories (Armstrong, 2017), legitimate-expectation-based accounts (Moore, 2019), improvement-as-grounds-for-resource-rights theories (Miller, 2012; 2021), and efficiency-based accounts (Meisels, 2003; 2009). Notwithstanding, there has been little attention to a case, like that of the Ogiek indigenous community, where indigenous groups and political authorities clash over biodiversity conservation, and in which competing views of legitimate conservation practices may induce displacement. Against this backdrop, to set the normative baseline of my argument, this chapter will review the existing literature on territorial rights and natural resource conflicts. In examining the different approaches, I will highlight that the discussion on conservation resource-based conflict is scant in the existing literature on territorial rights. I will also raise the question of whether existing normative theories can offer suggestions on addressing conservation resource-based conflict and the displacement that follows it.

Chapter three will study the conservation resource-based conflicts and the displacement that follows them. Indigenous territorial rights are usually defended based on attachments to land. However, indigenous groups most often lose their territorial/resource rights in conservation conflicts, and such a loss of territorial rights disrupts their way of being, that is, the indigenous identity. Losing territorial rights for the indigenous group entails losing both control and access to the territory and its resources. We have theories sympathetic to this indigenous way of being in the context of territorial rights literature. One of these theories is attachment-based special claims. The relevance of attachment as a special claim to territory and resources cannot be overemphasised in defending either indigenous territorial rights or resource rights. Attachment claim plays an important role in explaining why a specific agent should have control over a given territory or why an agent should claim rights over a specific resource. Following this, I will argue that attachment-based theories can capture the territorial wrong of displacement, but are insufficient. This is because they do not address other wrongs, such as epistemic injustice and the loss of identity. Moreover, attachment-based theories do not provide much insight into how references to attachment claims can address located life plans that may impact biodiversity. Again, placing too strong an emphasis on attachments may open the possibility of overexploiting natural resources. Additionally, forming a close relationship with a given resource implies dependency on that resource for one's well-being or located life plans, which does not entail mutual interaction and reciprocity with natural resources. Furthermore, attachment-based theories do not give us any relevant information about the conservation practices of an attached agent and how those practices are sustained. Attachment-based theories also struggle to account for the significance of reciprocity and interdependence of human and non-human beings in their environment. Against this backdrop, I will draw upon recent advancements in the study of forest governance to offer a practice-based approach that can study conservation-based conflicts through the lenses of situated agency, logic of practice, and performativity. In this way, I develop an account that can recognise how humans and nature are interconnected and participate in interdependency.

Chapter four will show that even though indigenous groups can generate and transmit local knowledge and norms, they may end up idealising possible in-group injustices, especially considering the fact that many of the indigenous groups mentioned in my dissertation embody a patriarchal social structure. Against this backdrop, I will demonstrate that even in the case of conservation-induced displacement, focusing solely on indigenous collective rights provides only a partial picture. While I will discuss indigenous groups in collective terms, it is important to recognise that conservation-induced displacement affects members of indigenous groups asymmetrically, with women, in some cases, suffering double wrongs. This stems from the fact that within several indigenous groups, the gendered division of labour shapes gender differential interests in resource use, thereby creating gendered life plans and gendered knowledge. Nevertheless, they are not given equal attention within the community or in those processes trying to address conservation-induced displacement. I will argue that women play a distinctive role in conservation practice, and, in this way, they can be affected in a specific way by conservation-induced displacement. I will also argue that if women contribute to shaping conservation practices, and those same conservation practices are meant to support the claim of indigenous groups vis-à-vis states or other entities, women should be recognised for a more important practice-shaping role within the community. One possible way to recognise this role, following the work of Agarwal, is to constitute participatory spaces in conservation disputes where women are represented and heard.

Chapter 1

Conservation-induced displacement: a three-wrong approach

1. Introduction

In this chapter, I will explore one of the leading causes of conservation resource-based conflicts and the wrongs they inflict on indigenous groups. Here, I will argue that the imposition and enforcement of fortress conservation on indigenous communities are among the main causes of conservation conflicts. [2] Fortress conservation is a practice where areas designated for conservation protection are bordered and guarded to keep wildlife and unwanted humans out (Dowie, 2009: xvii). This mechanism is framed as a practice of legitimate exclusion. Its legitimacy depends on the intuitive position that restricting humans' access to specific areas can better protect nature, where the goal of protecting nature is deemed socially desirable. Fortress conservation can be exclusionary because it usually requires force and is not welcomed by people residing within the protected area, who depend on the natural resources that conservation aims to protect.

[2] It must be said that scholars have identified other possible causes, such as poverty and overpopulation. Yet, fortress conservation raises unexplored normative questions and continues to be the cause of a number of cases of conservation conflicts worldwide. On these issues, see Sanderson (2005) and Cafaro, Hansson and Gotmark (2022).

As an illustration, in the case of the conservation conflict between the Sengwer indigenous community and the Kenyan State, the State's justification for forcibly removing the Sengwer from the forest they have occupied for many generations is that the forest has become critically degraded and that the only way to restore it to its former glory is to remove the indigenous group. In January 2014, the Government of Kenya forcibly removed the Sengwer indigenous group from the Embobut Forest, which involved the burning of between 800 and 1500 houses. In December 2017, another forced removal took place, resulting in the burning of an estimated 341 homes, with around 600 people made homeless (Amnesty International, 2018: 15-17).

Forced removal from the forest is a mechanism that has been used regularly by the Kenyan Government since the 1980s. The Embobut Forest was registered as a protected state-owned forest without the knowledge or prior consent of the Sengwer indigenous peoples in 1954. The State's justification for forcibly removing the Sengwer from the forest they have occupied for many generations is that the forest has become critically degraded and that the only way to restore it to its former glory is to remove the indigenous group from its ancestral homeland. The Sengwer's argument for resisting forced removal from the forest is that they have lived in the forest for many generations and conserved it successfully before the arrival of other communities, which was followed by overpopulation and the introduction of different livelihoods.

The case of the Embobut Forest is not an isolated instance. In the conservation conflict between the Tonga indigenous group and the Zimbabwean Government, the Tonga were not removed from their ancestral land, but they were banned from accessing and using their ancestral resources. Lack of access to people's ancestral resources for basic needs and livelihoods can be called displacement. As Mark Dowie remarks, “if you allow people to stay on land without the right to use it, you might as well have taken their land from them. It’s as bad as outright eviction” (Dowie, 2009: xxii). Therefore, displacement can be said to have occurred when people are banned from accessing their ancestral resources for livelihood, even if they still reside in the same location (World Bank, 2001, OP 4.12, para. 3). Both colonial and post-colonial Zimbabwean Governments implemented and enforced a policy of fortress conservation that separated the Tonga people from the local wildlife and denied them access to such wildlife as a resource (Sibanda, 1995: 74). This conservation approach led to conflict between the Tonga indigenous communities and the authorities over the use of wildlife resources. The authorities wanted to preserve wildlife and therefore denied local people access to it as a resource (Sibanda, 1995: 74), and the indigenous group thus became alienated from this natural resource.

These policies of separating the people from wildlife created new relationships within their communities. The Tonga people stopped viewing wildlife as their shared resource to be managed for the common good (Sibanda, 1995: 78). In the past, before colonisation, the Tonga and the local wildlife had lived in harmony (Sibanda, 1995: 88), but the pre-colonial values that the Tonga adhered to concerning these species have since been undermined by fortress conservation. In their place, they have developed an uncaring attitude—an attitude that says, “The wildlife is not ours, and therefore we will not care for what belongs to someone else” (Sibanda, 1995: 73). The Tonga people were intimidated by the conservation laws, but they have never respected fortress conservation, so they were treated as irresponsible poachers (Sibanda, 1995: 78). It was clear that there was a threat to wildlife because the Tonga no longer viewed these resources as part of their property. They see wildlife as belonging to the state and have no responsibility for its conservation (Sibanda, 1995: 88).

The examples presented are representative of a broader trend in conservation conflict shaping territorial and environmental politics on the African continent. There are numerous other examples, such as those involving the Baka, Oroko, Bakola, Pygmies, Babenzele, Bongo, Kamba, Samaa, Wangindo, Batwa, Ogiek, Pare, Maasai and Gana, and their respective states (Awu, 2011: 55). Each of these cases involved the displacement of an indigenous group. As if this were not enough, what should also be understood about the conservation conflict involving indigenous groups and their states is not only that the indigenous groups face displacement, pain, injustice and impoverishment, but also that such conflict may backfire and even result in a biodiversity loss. The conditions imposed on people and their outcomes may entail an unanticipated risk to biodiversity itself (Marquardti, 1994). In Africa, the expansion of national parks, game reserves and protected habitats freed from human presence has generally been accompanied by a decline in wildlife (Galaty, 1999; Awu, 2011). This is because displaced hunters often intensify hunting by returning to the areas from which they were displaced (AWU, 2011).

It is against this backdrop that this chapter aims to shed light on the connection between conservation conflicts and the displacement of indigenous groups. Specifically, I will argue that conservation-induced displacement generates three interconnected wrongs. First, a territorial wrong that occurs when the located life plans of indigenous groups, such as fishing, hunting and farming, are disrupted due to conservation-induced displacement. Second, epistemic wrong—the imposition and implementation of fortress conservation, a practice that separates humans from nature—perpetrated against indigenous communities can constitute a form of epistemic injustice because it signifies the non-recognition of the indigenous mode of knowing, which involves perceiving humans and nature as interconnected. Third, identity-based wrong, which is represented by threatened indigenous modes of knowing, disrupted located life plans, and the loss of territory and natural resources. In this chapter, to support my claims, I will proceed as follows. In Section 2, I will explore fortress conservation as one of the major contributors to conservation conflict within indigenous communities. In Section 3, I will describe the three wrongs of conservation-induced displacement. In Section 4, I will question the idea that biodiversity conservation necessarily comes with the displacement of indigenous groups living in the relevant area. In this vein, I introduce the idea of a relationship of interdependency between nature and human beings. In Section 5, I will address some objections to my proposal. Section 6 will provide concluding remarks.

2. Displacement and fortress conservation: a map

The history of conservation is filled with human conflicts. As Mark Dowie writes, "So few of us know what had to be done to create the national parks and wildlife we all enjoy. The Yosemite National Park was spawned in war, a war of extermination declared by California's first governor, Peter Burnett, to rid the native Americans" (Dowie, 2009: xxix).

Fortress conservation is a practice where areas designated for conservation protection are bordered and guarded to keep wildlife and unwanted humans out (Dowie, 2009: xvii). Fortress conservation is a real-world practice of exclusion. It is about restricting access to nature so that nature can be protected. It usually requires force and is not welcomed by people residing within the protected area, who depend on the resources within that area for their basic needs and subsistence. Fortress conservation is also a model. At the core of this model, there is the idea that nature and people should be separated, because people are too dangerous to be allowed to be part of the landscape and/or because the idealised perfect landscape is conceived to be “wilderness”, a place without people (Cronon, 1995; Neumann, 1998; Nash, 2001).

Fortress conservation was invented in the United States of America more than a century ago and spread gradually to every continent (Dowie, 2009: xvii). The pressure from early American environmentalists to preserve nature led to the establishment of the world’s first protected areas: Yellowstone National Park in 1872 and Yosemite National Park in 1890. These environmentalists believed humans were incompatible with nature (Luoma, 2023: 93), and the creation of the protected areas involved the coerced and forced displacement of indigenous peoples. In discussing American national parks, David Treuer remarks: “All of them were founded on land that was once ours, and many were created only after we were removed, forcibly, sometimes by an invading army and other times following a treaty we’d sign under duress.” (2021). According to Mark David Spence, “wilderness did not just exist; it had to be created through the dispossession of indigenous peoples” (1999: 20).

The fortress conservation model developed in the United States was subsequently exported to other parts of the world under the basic premise that nature can only flourish when sequestered from humans. It was first accepted by European colonial powers and was later was adopted by successor post-colonial states (Luoma, 2023 p. 93). The fortress conservation model ultimately became institutionalised in the conservation industry—the host of non-governmental organisations (NGOs) involved in global conservation, large statutory donors, conservation scientists, intergovernmental agencies and technical partners that largely determine global conservation policy (Luoma, 2023: 94).

The most brutal cases of fortress conservation have been recorded in Africa, more than any other continent in the history of conflict around conservation. Since the colonial era, Sub-Saharan Africa has been the location of intense conservation planning. In the name of wilderness protection, colonial authorities established national parks mainly for hunting and tourism while forcibly removing indigenous peoples (Neumann, 2004; Brockington, 2015). The case of Mkomazi National Park in Tanzania clearly illustrates the imposition of fortress conservation on indigenous peoples in Africa. This national park was first gazetted as a game reserve in the 1950s and contained several thousand people and tens of thousands of head of livestock. In the late 1980s, it was cleared of residents and rehabilitated as a pristine area of wild Africa. In 2006, it was declared a national park (Brockington, 2015: 3). As Brockington points out, the conservation vision of Mkomazi consists of three strands: first, it is described as a lost wilderness that has been restored to its former greatness. This means that people do not belong in this landscape. Its original, primordial and proper state is to be devoid of human presence. Second, as evidence of the inappropriateness of humanity in the landscape, Mkomazi's environment suffered dramatic degradation while people, and particularly their livestock, were within that location. It is claimed that people in the landscape chopped down trees, set fires, caused overgrazing and poached valuable animals. The people did not just despoil it with their presence, they desecrated it with their practices. Third, clinics, schools and visits to parks allow for the legitimate needs of the people to be met while conservation policies can still be pursued (Brockington, 2015: 4).

This conservation vision is inaccurate and misleading. The claim that people and their livestock destroyed Mkomazi is false as there is no clear evidence that this was the case. Again, it is odd and disrespectful to refer to a place where people have been resident or have been using the land for much of the last 200 years as a "wilderness", a place without people (Brockington, 2015: 5). The pastoral livelihoods of the people suffered because of the displacement from their land, and they protested because of the misfortune caused by the fortress conservation imposed on them. Their protest culminated in a court case challenging the legality of their displacement, and the court found that the displacement had not been undertaken legally because of the violence involved and the failure to pay compensation. Nevertheless, this ruling was somewhat bizarre, given that the indigenous group was deemed to have had no long-term history of residence in the reserve (Brockington, 2015: 5).

As Brockington further explains, the case of Mkomazi presents a clear illustration of conservation injustice. He argues that flawed notions of history and ecology have underpinned policy decisions, resulting in the displacement, exclusion and impoverishment of former reserve residents. What makes Mkomazi particularly significant in the history of African conservation conflict is the associated pain, impoverishment and injustice. Second, the people were effectively and comprehensively ignored and overlooked by the international representations of Mkomazi in conservation and fund-raising circles (Brockington, 2015: 7). The international fundraising publicity insisted that the displaced farmers had not been indigenous to the area, thus cleansing the reserve of the charge of not respecting the rights of indigenous people. This is further reinforced by publicity, which makes no mention of the problems displacement has caused and ignores the rich and complex history of the area and its use by indigenous people (Brockington, 2015: 8). The creation of Mkomazi National Park is just one of Africa's many cases of fortress conservation. For example, the creation of thirteen majestic parks in Gabon, featured in national geographic and other photo journals, left thousands of semi-nomadic hunter-gatherers and forest peoples in misery (Dowie, 2009: 76).

Since the 1980s, several African governments have responded to international and domestic pressure to slow declining wildlife populations by issuing shoot-on-sight orders for poachers found within national parks. A militarised response was justified by the assertion that a highly organised and heavily armed network of ivory and rhino horn poachers was causing the fall in wildlife populations (Neumann, 2004: 814).

In Africa, biodiversity protection has become a war. With the shoot-on-sight order, any Africans found inside protected areas should be shot on sight. This order was, to varying degrees, supported and encouraged by Western media, governments, animal rights groups and NGOs involved in international conservation (Neumann, 2004: 828). As Neumann points out, almost all the funds for military equipment in anti-poaching came from the Global North. For example, in 1989, the Kenyan Vice President asked Britain for an aid package that, for the first time, included requests for helicopter gunships, automatic weapons and other equipment to supply an anti-poaching unit (Neumann, 2004: 828; Ransdell, 1989). As the anti-poaching campaign of the 1980s and 1990s intensified, the British Parliament debated sending British troops to Kenya, Tanzania and Mozambique to help those countries protect their elephant populations (The Daily Telegraph Staff, 1989: 6). In 1991 and

1993, the U.S. Congress included $5 million in the Department of Defence budget through the ‘‘African Biodiversity Program’’ for military equipment, support and training for several countries (Neumann, 2004: 828; Byers, 1994). In the wake of shoot-on-sight orders in Kenya, Tanzania, Malawi and Zimbabwe, national park guards and other state enforcement agents killed hundreds of people that they encountered inside park boundaries. The African park and wildlife agencies identified those killed as dangerous, well-armed poachers. In reality, they were simply impoverished rural residents searching for sustenance(Neumann, 2004: 829).

Indeed, the idea of turning people into nature's enemy has dominated African conservation initiatives (Pemunta, 2019). As the Maasai indigenous leader asserted, while addressing an audience he knew to be schooled in Western ecological sciences during a 2004 World Conservation Congress session: "Now you have made us enemies of conservation" (Dowie, 2009: 1). Indigenous peoples have long resisted and challenged the harmful impacts of fortress conservation on their lands and livelihoods (Luoma, 2023). As a way of resisting, displaced people often bought rifles, entered their former hunting grounds and began poaching more significant numbers of game animals for the growing trade in bush meat or meat from other wild species (Dowie, 2009: xxiv).[3]

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[3] Fortress conservation constitutes a principal threat to indigenous peoples and the environment, and has also disrupted traditional conservation management regimes and deprived indigenous communities of basic subsistence activities (Luoma, 2023: 101). It could also be said that fortress conservation may have impacts on an interrelated set of human rights. See, for instance, Neumann (2004). In this context, indigenous peoples, through their worldwide indigenous rights movement, have become more sophisticated

While conservation conflicts subsided in the 1980s with the intervention of the international NGOs, such conflicts have reemerged, and there are currently many examples of emerging conservation conflicts between indigenous peoples and their states. The following is a representative sample of the incidence of dispossession of indigenous peoples through a fortress conservation approach in recent years. The forceful removal of the Sengwer indigenous group by the Kenyan government, which I mentioned earlier in the introduction, has reoccurred as recently as 2014 and 2017. In Kenya again, the forceful removal of the Ogiek from the Mau Forest, their traditional territory, has been a recurring incident since the colonial period. The Ogiek indigenous group had witnessed severe forceful removal in the early 2000s and 2017 (Focarelli, 2020; Amnesty International, 2022). Just recently, in 2020, some members of the Ogiek group were forcefully removed from the forest (Lee, 2022). In Paraguay, about 600 indigenous families of the Avá Guaraní Paranaense people were displaced. According to Amnesty International, the Paraguayan Government created nine protected areas consisting of 47,000 hectares, all of which are claimed as ancestral land by the displaced communities. When members of the Tekohá Sauce community in Paraguay attempted to return to their ancestral land, they were violently evicted in 2016 (Amnesty International, 2022: 2). In each of these incidents, the conservation of biodiversity was used as the

about the use of international law and gained the attention of international NGOs (Dowie, xix).

justification for the forced displacement of indigenous peoples by their governments.

We have seen that imposing fortress conservation on the territories of indigenous peoples often deprives them of access to their land and natural resources. Furthermore, the unfortunate consequence of fortress conservation is that the displaced, deprived of their territorial rights, are driven to desperate survival actions that are damaging to conservation objectives, thereby making biodiversity protection almost impossible. It then becomes crucial to address conservation-induced displacement in the debate on territorial rights.

3. Conservation, biodiversity and the relationship with natural resources

In approaching issues like displacement and fortress conservation, it is common to think of human resources as a staging environment for human actions or inactions. This perspective tends to overlook the idea of interconnectedness that shapes how many indigenous groups relate to (and think of) natural resources and biodiversity. In this section, I will argue that a closer look at this relationship can help us realise how conservation-induced displacement can have impacts on many different levels simultaneously. I will first challenge the idea that the interests of human beings and those of nature—understood in broad terms—are necessarily in conflict with one another.

3.1. A unified foundation for the inherent worth of all biological beings

In his famous *The ethics of respect for nature,* Paul W. Taylor (1981) argues that to save biodiversity, we must respect nature as much as we respect human beings. He begins by arguing that non-human species possess inherent worth. According to this author, to assert that non-human species have inherent worth implies that their good deserves the concern and consideration of all moral agents simply because they are members of the earth's community of life (Taylor, 1981: 4-5). From a moral point of view, their good must be considered whenever they are affected for better or worse by the conduct of rational agents. Each animal and plant is like us in that it has a good of its own (Taylor, 1981: 7). He argues further that both human and non-human species are morally equal (Taylor, 1981: 11). According to Taylor, we must reject the claim that humans are superior either in merit or in worth to other living things. "Rejecting the notion of human superiority entails accepting the doctrine that regards all living things as possessing inherent worth—the *same* inherent worth since no one species is either 'higher' or 'lower' than any other" (Taylor, 1981: 15). I suggest that Taylor's account epitomises the ethical stance behind fortress conservation and its main flaws. First, even if he might be right in arguing that non-human species should be respected and that humans must protect biodiversity, I believe such respect should not necessarily be translated into equal moral consideration of humans and non-humans alike. We can respect animals, for instance, but this does not mean that animals deserve equal respect to the point that there is, beyond reasonable disagreement, "a unified foundation for the inherent worth of all biological beings, treating human life and non-human life as if they are the same" (Stephen and Omosulu, 2024: 153). Second, Taylor seems to postulate that human and non-human species are necessarily in conflict, with some counterintuitive consequences. For instance, if we accept that plants, animals and humans have intrinsic value and are morally equal, we might conclude that, in the name of biodiversity conservation, humans, who are the very moral agents that are targeted by the theory, can be legitimately sacrificed for non-human species. Third, as the many examples of fortress conservation presented in the introduction show us, when we consider plants and animals as having equal moral standing to humans, it becomes easier to uproot the most vulnerable people, especially indigenous peoples, from their ancestral homeland to save plants and animals.

This last point has serious real-world implications. Taylor's view that non-human species have equal moral standing to humans might as well provide the moral justification for shoot-on-sight protocols in African biodiversity protection. Let us recall that members of the Tonga indigenous group in Africa continued to question what it was they had done that made animals preferred over them: "We ask the question, why is it that our own government and the people from far-off lands value animals more than Tonga? Is the Tonga worse than animals? Since Tonga is so low, why should we be asked to conserve animals when we are worse than animals? Are Tonga people a problem for wildlife, or is wildlife a problem for the Tonga people?" (Sibanda, 1995: 70). With the "Save the Rhino Movement", the Tonga people were immediately thrown out of their ancestral land so that animals could be protected while they were left to die outside their homelands with no protection (Sibanda, 1995: 72).

Moreover, in Africa, there are numerous accounts of indigenous peoples being killed for visiting their ancestral land for food. They are called poachers on these ancestral land, who must be shoot on sight for visiting their homelands (now national parks) to find food in order to survive. In the 1980s, the protection of elephants was prioritised over indigenous peoples in East Africa in the name of conservation. In response to international and domestic pressure to reverse the decline of biodiversity, governments in Africa militarised the enforcement of laws governing wildlife and national parks. In 1985, Zimbabwe responded with Operation Stronghold, a paramilitary action commanded by white former Rhodesian Defence Forces officers designed to hunt down and kill black poachers.

In Kenya, President Daniel Arap Moi issued a shoot-on-sight order in 1988 and sent thousands of police into the national parks. In June 1989, Tanzania launched Operation Uhai to sweep protected areas and adjacent communities clean of "poachers" using a military strike force comprised of army, police and Wildlife Division personnel. Military equipment, including automatic assault rifles, helicopters and even sophisticated remote-controlled surveillance aircraft, flowed to wildlife agencies in these and several other countries in the region (Neumann, 2004: 814). These drastic measures resulted in the death of scores of indigenous peoples. It is claimed that park guards, following a government shoot-on-sight order, routinely kill people caught inside the park, some of whom are reportedly only gathering plants or obtaining water (Hitchcock, 1995; Jamali, 2000; Neumann, 2004: 830).

If we take Taylor's unified foundation seriously, there is a risk of human rights violations in the name of conservation. As Soper (1995: 18) has argued, "if we see every human activity, even picking berries or hiking in the woods, as something that devalues nature, why do we not apply this view to other species, who also prey on each other"? Research conducted in the Karongwe Game Reserve in the Limpopo Province in South Africa found that a few lions can kill a substantial number of animals every year—about eight lions made an average of 42 kills per LFU (lion feeding unit) per year, with an average of 21 kills per month (Ogden, 2008: 68-76). Male lions were found to concentrate on much bigger prey, most frequently killing buffalo (45%) and giraffes (19.3%) (Radloff and Du Toit, 2004: 413). Lions kill between 3.3% and 7.1% of available biomass annually. The range of biomass killed per lion feeding unit per year was 2530.9 kg-4419.5 kg, translating to 6.9 kg-12.1 kg per lion feeding unit/day (Ogden, 2008: 69). Lions are not the only predators. For instance, Impala emerged as the most common prey species for cheetahs, wild dogs and leopards (Radloff and Du Toit, 2004: 413). And what about herbivores that prey on plants? All herbivores that consume plant tissue influence communities and ecosystems—to a greater or lesser extent (Huntly, 1991). Even relatively small herbivores can have profound effects on shaping ecosystem structure, particularly when they are found in high densities (Kerley et al., 2008: 4). For example, Cote et al., writing about the increase in deer abundance, worried about their impact on natural ecosystems and note the following: “They affect the growth and survival of many herb, shrub and tree species, modifying patterns of relative abundance and vegetation dynamics. Cascading effects on other species extend to insects, birds, and other mammals. Sustained over-browsing reduces plant cover and diversity, alters nutrient and carbon cycling, and redirects succession… simplified alternative states appear to be stable and difficult to reverse” (2004: 113).

Furthermore, another herbivore, the African elephant, the largest herbivore alive today, also poses a significant threat to biodiversity. Due to its large size, the absolute amount of vegetation that each elephant consumes daily is enormous, estimated to be over 60 kg for a fully grown male weighed as dry mass, or around 180 kg weighed wet (Owen-Smith, 1988). Elephants use their feet to dig out (kicking or scraping) geophytes or grass tussocks and knock grass tussocks held in the trunk against their legs to dislodge soil (Owen-Smith, 1988), and they can uproot trees up to 60 cm in basal diameter (Chafota, 2007). Writing on the negative impact of elephants on biodiversity, R. M. Laws remarks: “After man himself, probably no other animal has had as great an effect on African habitats as the African bush elephant. This is largely due to the large size and longevity of the elephant. It has become apparent during the past two decades that this poses a major conservation problem, if not the major problem, in Africa, not only because the elephant's own environment in many areas is becoming unsuitable to support it, but because other species with more stringent habitat requirements than the unspecialised elephant are endangered" (1970: 2).

It is not just elephants and deer that could significantly impact biodiversity. Rhinos feed on grass, leaves, twigs and other plant matter, and some rhinos eat fruits and berries. White rhinoceros are primarily grazers that feed on grasses, while black rhinoceros are primarily browsers that feed on herbs and shrubs. The greater one-horned rhinoceros forages on both grasses and aquatic plants in its marshy habitats, while Sumatran and Javan rhinoceros feed on a wide variety of tropical vegetation, including some fruits, and wild rhinoceros eat various plants (Kreger & Zoo, 2006: 154). It was found that black rhinoceros ate 70 different plant species, representing 30 different botanical families in the Masai Mara Game Reserve in Kenya (Mukinya, 1977). Furthermore, plant-plant interaction also plays a role in biodiversity loss. In many instances, the introduction of alien species has a detrimental effect on the existing plant community, reducing diversity and leading to the decline or extinction of native species (Levine et al., 2003).

All this evidence suggests that there is very little to gain in either positing a human vs non-human dichotomy, or in conflating fundamental differences and searching for a unified foundation, which eventually can provide a rationale for wronging the most vulnerable segments of society. The many examples provided seem to confirm what is at the core of the claims made by several indigenous groups in their fight against displacement: namely, humans and non-humans are not separate units of analysis, they are interdependent and inextricably interconnected.[4]

3.2. From homogeneity and conflict to interconnectedness

I define interconnectedness as a mode of knowing in which realities are perceived as intricately intertwined (Ude, 2024). The fundamental intuition is simple: humans exploit natural resources because they rely on animals and plants to sustain their survival, and animals and plants also exploit each other in order to survive. In other words, cohabitation between people and wildlife is not antithetical to conservation (Pemunta, 2019: 1047). Indigenous people indeed go to the forest to pluck vegetables and fruits and they kill animals for meat, yet for them, "caring for nature and using it is no contradiction but, to the contrary, a necessary link, also in spiritual terms" (Jax, 2023: 177).

From this perspective, we do not need to assert that biodiversity has moral standing or intrinsic value to make a case for humans having a duty to protect it. After all, whatever thing we consider valuable is usually imbued with the significance of human relationships with that thing. This implies that the value attached to biodiversity will vary for different people, depending on their personal relationships with that concept.

[4] It must be said that this interdependent interaction can have either a negative or positive impact on biodiversity. My claim is that in addressing biodiversity loss, it is important to acknowledge that humans and non-human species are not necessarily in conflict, but they also coexist and interact in interdependent relationships within their shared environment.

We should recall that indigenous peoples understand humans and nature to be interconnected. Such a mode of knowing, interconnectedness, finds social expression in interdependent relationships between humans and non-human beings. For instance, for the Ogiek indigenous group, there is no conception of the idea that nature is in one place while man is separate in another (Kiage, 2019: 6). This understanding of reality as being interconnected shapes and promotes their interdependent relationships with the other beings within their location. Of course, the indigenous sense of "self" is embedded within a complex network of interdependent relationships, bound together by mutual obligations. It is these mutual obligations that make such interdependent relationships morally significant. Entities in interdependent relationships have mutual obligations to care for the well-being of others, namely both humans and non-human species. To explain the interdependent relationship between indigenous peoples and non-human species, and the mutual obligations that accompany such relationships, Coulthard writes: "Land is translated in relational terms as that which encompasses not only the land (understood here as material), but also people and animals, rocks and trees, lakes and rivers, and so on" (Coulthard, 2014: 60). According to Coulthard, within this system of relationships, human beings hold certain obligations to the land, animals, plants and lakes. If these obligations were met, then the land, animals, plants and lakes would reciprocate and meet their obligations to humans, thus ensuring the survival and well-being of all over time (Coulthard, 2014: 60).

Mutual obligations demand that beings participating in interdependent relationships pay attention to the well-being of others. By way of mutual obligations to care for non-human beings, the Ogiek people considered certain animals—such as elephants, lions and gazelles—as sacred and not to be hunted or eaten. They also

had family totems, whereby some lineages among the Ogiek were prohibited from eating animals and birds (Ronoh, 2011: 67). The Tinet Forest, which is southwest of Mau Forest, is still a no-go zone for strangers, and many trees within this natural forest are regarded as sacred (Ronoh, 2011: 67). They take these mutual obligations seriously because they understand themselves to be inextricably interconnected with others, and what they do to those non-human species might affect them, just as what affects those non-human species might affect the wellbeing of humans and their ability to flourish. Therefore, entities that participate in interdependent relationships have something at stake, and this does not mean that indigenous peoples, for instance, consider other beings—namely non-human species—as simply a means to an end. Rather, indigenous peoples understand themselves to be interconnected with non-human species and believe that destroying them would mean destroying the very nature of their own
existence.

Thinking in terms of interdependent relationships between humans and non-human species, shaped by a sense of interconnectedness, is another way to show concern for biodiversity. In this sense, when participating in interdependent relationships, the members of the indigenous Ogiek group, for example, do not view their interests merely as humans, but also consider how their well-being is inextricably interconnected with that of other non-human species with which they coexist in their location. In this way, they care for biodiversity not as a means to an end but because biodiversity is intertwined with their existence.

To sum up, in this section we have seen that we do not need to resort to the standard approach used to describe the relationship between humans and non-humans in the context of debates on biodiversity conservation. Both the search for a unified view and a dichotomous "humans vs non-humans" discourse ultimately overlook problems of infinite regress, and the issue of displacing people who are in close relationship with specific natural resources. It is against this backdrop that I have applied the insights gained from different indigenous groups to redescribe the relationship between humans and non-humans as defined by a fundamental interdependence. This standpoint, as we will see in the next section, helps us to avoid overly simplified ideas of the wrong caused by conservation-induced displacement.

4. Displacement and fortress conservation: the three wrongs

In the face of a global biodiversity loss, it has been argued that there should be a focus on biodiversity conservation, mainly in the Global South, because that is where conservation is cheapest or most efficient.[5] For conservationists, conserving biodiversity is an urgent action to be taken, as many species across the world are threatened with extinction (Hogue and Breon, 2022: 1). Iconic wildlife species like rhinos are severely threatened (Turnhout and Purvis, 2021: 673), and amphibian, butterfly and coral populations have also suffered a catastrophic decline in living memory (Moore, 2023: 484). As Esther Turnhout and Andy Purvis point out, "the loss of species from specific ecosystems or the entire planet is a powerful way to express biodiversity loss" (2021: 673). Indeed, global biodiversity loss is overwhelming and biodiversity conservation is therefore an urgent issue to be addressed. In this context, Edward Wilson suggested that to avert the mass

[5] On this issue, see also Armstrong (2024).

extinction of species, we must dedicate half the surface of the earth to nature (2016). Furthermore, the new Kunming-Montreal Global Biodiversity Framework (GBF), alongside the various nations, agreed in December 2022 to set an agenda to halt and reverse biodiversity loss by 2030. This agenda is known as the 30x30 target: it requires 30% of the world's land and water, especially areas with significant biodiversity and ecosystems, to be conserved by 2030 through protected area systems. This target will no doubt pressure countries to conserve biodiversity hot spots, which, in turn, poses risks to indigenous territories. Furthermore, people tend to think that state-managed protected areas are a key solution in providing biodiversity protection. Margaret Moore, for instance, has argued that "to address the current global crisis of biodiversity loss, the states have a duty to create rules and regulations to protect biodiversity hotspots within their territories: states have jurisdictional authority to regulate the main drivers of biodiversity hotspots destruction such as logging, mining, other forms of resource extraction, settlement, hunting, agriculture and so on" (2023: 499).

Yet, in focusing only on biodiversity protection, we continue to neglect some instances of displacements or consider them as unavoidable externalities, failing to treat some individuals as subjects who deserve respect for *who they are, what they do*, and *how they connect with* certain pieces of land. Indeed, as Dowie (2009: iv) puts it, "the challenge is not to conserve the wild but people's relationships with the wild".

Most of the earth's biodiversity is in the territories of indigenous peoples (Swiderska et al., 2021). So, approximately half of the world's protected areas have been established on lands occupied or regularly used by indigenous groups (Luoma, 2023). And as we know, indigenous cultural and spiritual identities, as well as their livelihoods, are inextricably intertwined with their lands, territories and resources (Tauli-Corpuz et al., 2020). The imposition and enforcement of fortress conservation on indigenous people's territories deprive them of access to their ancestral lands and resources, and the inability to access one's territory or resources amounts to displacement. I have already noted that displacement does not occur only when people are moved out of their territories.

Political theorists and philosophers concerned about displacement have yet to address conservation-induced displacement. Some are still focused on what is owed to displaced people in general. In this context, Laura Santi Amantini (2023: 56), for instance, suggests the following reparations for displaced indigenous peoples: "Land restitution, restoration of access to symbolically relevant sites, material compensation, and increasing indigenous peoples' control over land and resources". The challenge of framing the question of displacement this way is that we might end up treating different cases alike, as Santi Amantini's solution to displacement does not differentiate those who were displaced by climate change or development projects or by conservation. It is important to be aware that displacement can occur for different reasons and that each raises different moral questions and solutions (Stilz, 2024; Draper, 2022).

Within the literature on territorial rights, the question of displacement has focused primarily on climate displacement and what is owed in such situations. In this context, theorists such as Cara Nine, Avery Kolers and Kim Angell have focused on small-island states such as Kiribati, Tuvalu, the Maldives, Vanuatu and the Marshall Islands, which are threatened in the long term by climate change. In order to answer the question of what is owed to these small island states when the citizens are displaced to the extent that they are no longer able to exercise their territorial rights, these authors have made proposals such as redistribution of territory as reparation for the loss of existing territory. Nine, for instance, suggests that those small island states can legitimately claim territorial rights in a new territory where they relocate based on their right to self-determination (2012: 361). Similarly, Kolers insists that the collective agents whose territories have disappeared due to climate change can be compensated by restoring their sovereignty in their new settlements (2011: 334). Angell also suggests that the reparation principle requires that the situation of the victim be restored as closely as possible to the situation existing before the harm was done—meaning that the new territory should resemble the previous territory as much as possible, with similar geographical reach, flora and fauna, and climate. He claims that in this way, victims of climate change can establish generically equivalent territorial practices—the Maldivians, for instance, may continue their fishing practices rather than adapt to mountain farming (Angell, 2019: 105). In addressing climate displacement risks, Stilz suggests that there "should be mandatory global taxation to finance in situ adaptation" (2024: 2).

In this context, I aim in the next section to demonstrate that conservation-induced displacement is morally distinctive as it entails three interconnected wrongs: *territorial*, *epistemic* and *identity-based*. In other words, the sort of territorial wrong, which is intuitively connected with displacement, is just one part of the whole picture. As we will see in the text that follows, conservation-induced displacement also connects with epistemic problems and issues of identity recognition. For these reasons, even if scholars working on territorial rights have not engaged carefully with the concept, conservation-induced displacement raises specific normative questions.

Territorial wrong. Located life plans shape important individual and collective territorial interests.[6] It is believed that people who live in a particular geographical space usually develop life plans in that location. Therefore, they need to continue having access to that location to sustain such life plans. Located life plans comprise situated goals, relationships and projects (Stilz, 2013: 341). Some people have projects based on a special identification with a unique locality, for instance, the Taos Pueblo's religious rituals centre on Blue Lake, the Sioux attribute spiritual significance to the Black Hills, and the mountain culture of Switzerland is focused on the Alps (Stilz, 2013: 338). These projects are closely linked to attitudes that people direct specifically at the physical objects around them, and these projects are challenging to keep intact without sustaining people's occupancy of that unique location (Stilz, 2013: 338). So, "the people who live on a territory have important plan-based interests in continuing to occupy that place, and in using it for the located social, cultural, and economic practices" (Stilz, 2013: 339).

As Armstrong put it, people form life plans in relation to a specific mode of existence obtainable in their physical environment (Armstrong, 2017:119). Armstrong further argues that people's life plans largely depend on the availability of resources within their physical environment, and these life plans will also demand secure access to specific natural resources (Armstrong, 2017:116). For

[6] In the following text, I use the term "life plan" to describe people's life goals and projects, which can be achieved without reference to a particular place. On this issue, see Nine (2022). I use the term "located life plan" to describe people's situated goals and projects, which can only be carried out in a specific location. On this issue, see Moore (2020) and Stilz (2013).

instance, a community of farmers became farmers because of the availability of farmland in their physical environment. Thus, they have an interest in access to farmland that supports their collective life plans. To deny them access to farmland is to deny them the opportunity to sustain their life plans. People can be interested in staying where they live because they have established a practice that depends on secure access to particular resources. An attempt to remove them from there will disrupt their located life plans. The place where they live may not be beautiful, or the practice they value may not make much sense to others outside their territory, yet they still have an interest in living there to continue their practices and sustain their life plans. Therefore, removing them from the territory where they have access to the resources needed to sustain their life plans amounts to territorial injustice.

Located life plans, such as fishing, hunting and farming, represent significant territorial interests that are endangered when indigenous groups are displaced for conservation-induced reasons. One of the reasons why conflicts around conservation persist is that indigenous peoples do not want to forsake their located life plans. The need for the protection of these located life plans makes conservation-induced displacement morally objectionable. Displacement makes it impossible for them to continue their located life plans such as fishing, hunting or farming. Therefore, the conservation-induced displacement of indigenous groups constitutes a specific kind of territorial wrong because it cuts off their access to territory-specific resources that are essential to their located life plans. This sort of territorial wrong differs from the other cases of wrongful displacement that scholarship on territorial rights has studied in recent years, which focuses mainly on the wrong suffered by people deprived of certain portions of land to which they had cultural attachments or legitimate claims of jurisdiction.

As has been proposed in the academic literature on displacement and territorial rights, one might suggest that indigenous groups could move elsewhere and accept a new place of occupancy offered by their government. However, as the stories of several indigenous groups in Africa demonstrate, establishing new life plans in a new territory can be very challenging, especially for people who have lived in the forest their entire lives and are accustomed only to hunting certain species. These people have life plans that de facto depend entirely on their access to a specific natural resource. For this reason, the pursuit of their located life plans can only be sustained through a continuous interaction with a specific area. More generally, this solution has also proven to be problematic in other cases within the literature on territorial rights, such as the case of the Navajo people. Navajos were known for raiding. When they were moved from their homeland in Arizona to a reservation in New Mexico by the United States Army, they failed to establish a different life plan. They went into farming, but they failed (Stilz 2013: 324). Yet, this is just one element of a broader picture, because in interacting with certain natural resources, indigenous groups may also develop a kind of local knowledge that is fundamentally situated and not necessarily exportable elsewhere.

Epistemic wrong. One aspect that has been widely overlooked is that the imposition and implementation of fortress conservation—a practice that separates humans from nature—in relation to indigenous communities can constitute a form of epistemic injustice because it signifies the non-recognition of the indigenous mode of knowing, which involves perceiving humans and nature as interconnected.[7] Interconnectedness functions as a mode of knowing in an indigenous epistemology and it involves the understanding that both humans and nature – animals, plants, water and all elements of life are intrinsically connected. Given this, the imposition of fortress conservation, a model which separate humans from nature, on indigenous communities constitutes misrecognition of interconnectedness as a valid epistemology. In disrespecting how some agents access, produce, and communicate their knowledge, fortress conservation constitutes epistemic wrong. Specifically, at the surface, it does not recognize members of indigenous groups as a source of relevant claims; more profoundly, it questions the way they produce and justify such claims. In other words, since the very essence of knowledge-transmission is based on testimony and acknowledgement, deliberate failures in recognizing knowledge held by indigenous groups amounts to a testimonial (epistemic) injustice. At the same time, the imposition of fortress conservation suggests that the indigenous way of making sense of the world is not recognized as an adequate explanation within dominant systems of knowledge (hermeneutical injustice). Miranda Fricker holds that testimonial injustice "occurs when prejudice causes a hearer to give a deflated level of credibility to a speaker's word" (2007: 1). When what one knows is not believed for some reason, then, one's knowledge is said to be discounted, and one

[7] The term "epistemic injustice" can be defined as the existence of a distinctive type of injustice in which a wrong is done to someone specifically in their capacity as a knower (Fricker 2007). It is widely accepted that non-recognition of people's modes of knowing, and their legitimate transmission of knowledge, can be a form of epistemic injustice (De Wit, 2018; Dotson, 2014).

immediately lose his or her status as a knower. In this sense, the imposition and enforcement of fortress conservation on indigenous peoples means that the indigenous mode of knowing the world as interconnected lacks credibility.

In contrast to the indigenous mode of knowing the universe as interconnected, modern conservation practices are influenced by an objectivist mode of knowing. Part of this mode of knowing has its roots in Eurocentric epistemology, whereby the notion "Cogito, ergo sum" ("I think, therefore I am") is used to convey "the self" as a cognitive entity separate from any relationship to nature or community (Waterman & Cooper, 2024: 9). The notion "Cogito, ergo sum" profoundly influenced modern knowledge by establishing a fundamental truth about the existence of "the self", serving as a foundation for philosophical and scientific inquiry (Sarkar, 2024). This emphasis on cognition and separation influences how modern thinkers interpret science and the assumptions they make about reality. In the same vein, the belief that nature must be separated from humans now dominates modern conservation practices. In a modern conservation context, "the self" is understood to be an autonomous, rational-strategic actor who aims to serve his or her self-interest and pursue his or her own (relative) gains (Krott, 2005). In resource use, it is assumed that "the self" prioritises its own gain as it operates in isolation. Self-interest, competition and over-exploitation of resources make sense in a world where nature is believed to be separate from humans. This self-centred view provides the founding principles of modern conservation policy, which enables and justifies the separation of humans from nature.

Unlike the predominant kind of legitimate knowledge in conservation-policy debates, the indigenous mode of knowing emphasises "the self" as inextricably interconnected with one's community, the natural world and the spirit realm

(Moreton-Robinson, 2013; Sabzalian, 2018; Sheridan, 2014). Interconnectedness is a distinctive feature of the indigenous mode of knowing. According to Mark Donald C. Ude, interconnectedness "is a mode of knowing in which realities are perceived as inextricably linked, mutually impacting one another in a seemingly universal web of interaction" (2024: 3). Even though we recognise that we physically appear separate, Ude notes that there is an epistemic predisposition to see realities in terms of interrelatedness (2024). One important characteristic of this way of knowing is that the knower does not perceive him or herself as an isolated "self", but, instead, understands him or herself to be inextricably interconnected with others (that is, other humans and non-human species), such that he or she cannot possibly assert his or her existence in isolation from other humans and non-human species within a given geographical location.

Another characteristic of this approach to knowledge is that this way of knowing differs from theoretical knowledge. As Ude remarks, interconnectedness belongs to the epistemic sphere, but not the "academic" sense in which epistemology concerns itself with hair-splitting arguments regarding what may or may not pass for valid knowledge (2024: 139). Rather, it belongs to the species of epistemology called "lived knowledges". It is not theoretical, but practical knowledge that has grown out of people's day-to-day life experiences. Therefore, the indigenous sense of interconnectedness is not some detached, theoretical knowledge but rather a form of "lived knowledge," which not only has a social-ordering effect but impacts every aspect of indigenous existence. The indigenous sense of interconnectedness is an embodied type of knowledge. It is a kind of knowledge that belongs to the "species" of lived knowledge, and it should not be measured by the standards of other species of knowledge, namely modern Western knowledge. In this context, the imposition and enforcement of fortress conservation on indigenous peoples—with the related standard of monitoring and evaluation—can be seen as a means of avoiding having to consider the lived knowledge of indigenous groups as relevant, and, therefore, members of indigenous groups as offering a legitimate testimony on issues that concern them directly.[8]

From the examples presented earlier in this chapter, we can see that the imposition of fortress conservation has systemically threatened the local knowledge, and knowledge-transmission processes, of several indigenous groups across the world. The ways of knowing intrinsic to indigenous groups often face rejection because such knowledge is described as not being "scientific", as it is neither formalised in a textbook nor discovered using the scientific method of inquiry.[9] Given the importance of local knowledge for the intergenerational transmission of practices and in-group communication, disregard towards the knowledge of indigenous groups about the management of natural resources, and the related justification for

[8] We could also add that knowledge can even be considered as an intrinsic epistemic good. If we accept this, then it seems plausible that the principle of fairness, which governs other essential goods, should also govern the distribution of knowledge, by ensuring that knowledge of a given group is acknowledged. On this issue, see Coady (2012).

[9] The conflict between "local knowledge" and "scientific knowledge" has attracted increased attention in social epistemology and policy making. See Barrotta and Montuschi (2018: 7). See also the debate on health policies and transactional sex in African countries. On this issue, see Stoebenau et al (2011).

displacement, can also have an impact on the identity of indigenous groups. It is this issue that I will discuss in the remainder of this section.

Identity-based wrong. This can be seen as a second-order wrong caused by conservation-induced displacement, because the loss of identity is a consequence of threatened indigenous modes of knowing, disrupted located life plans, and the loss of territory and natural resources resulting from the imposition of fortress conservation. By indigenous identity, I mean the entirety of the indigenous way of life—their mode of knowing, their practices, their relationships with lands and natural resources. The indigenous mode of knowing, which I call interconnectedness, is an important element of indigenous identity that the imposition of fortress conservation has endangered. Indigenous practices, which I regard as their located life plans, such as hunting, fishing and farming, also constitute an integral part of their identity.

Both the ancestral land and its natural resources, such as mountains, rivers, forests, etc., constitute the collective identity of an indigenous people. It has been argued that many of the collective identities that people have as group members are not free-floating but located in a specific place (Moore, 2015:40), "And these identities can be bound up with an object such as a river or a mountain" (Armstrong, 2019:188). Natural resources like mountains, rivers and forests provide indigenous peoples with a sense of identity. For instance, Māori people in New Zealand identify themselves first by mentioning their tribal mountain, river or lake before anything else, and they view their sacred mountains as the frozen bodies of divine ancestors from whom they are descended (Sarmiento, 2022: 218). The associations of their mountains with these ancestors invest the mountains with life and provide the groups for whom they are sacred with a sense of power and identity that connects them to their ancestral customs (Sarmiento, 2022:218). Moreover, natural resources have a strong meaning for indigenous peoples, such that any restriction to access and control threatens the group's identity. The displacement of indigenous peoples from the natural environment that constitutes their collective identity upsets their stability as a people. Furthermore, to lose a sense of one's identity is to be at risk (Owaine, 2012: 161). Hence, grieving a loss of identity can make indigenous peoples feel exposed and unprotected. In addition, they could develop nostalgic feelings for losing a resource they have grown accustomed to and identified with. On this account, "where access to specific resource is integral to one's way of life and indeed one's sense of self, it is plausible to say that this generates a prima facie claim to continuing access" (Armstrong, 2017:119).

In the case of conservation, it can be argued that the indigenous peoples can be relocated to another location and compensated. But, in many cases, displaced people are not compensated, and when monetary payments are made, they are often inadequate (Neumann, 2004; Sibanda, 1995). However, even if adequate, can a gift of money truly compensate for the loss of indigenous identity? In my opinion, no monetary compensation can fully offset the harm of conservation-induced displacement, as such harm often has irreversible consequences for indigenous identity. Even if we accept that the Ogiek people from the Ogiek Forest, for example, can continue their collective life plans in a new forest, it does not seem that the new forest will serve them as *the* Ogiek Forest. The Ogiek Forest was not just a place, but a location for identity formation, where their entire way of life is produced and reproduced through their daily activities. To lose the Ogiek Forest would mean that the Ogiek people would lose their identity.

If we apply the reparations arguments presented by political theorists and philosophers earlier in this chapter, we might not be able to compensate the Basque people for the loss of their sacred tree in Gernika due to displacement, because no other tree can play the role played by the one that has been lost.[10] The tree of Gernika represents identity and symbolises traditional freedoms for the Basque people (Heyd, 2014: 355). We should also consider the Black Hills of South Dakota and Wyoming, understood as a mirror of the cosmos, and sacred to the Lakota (Heyd, 2014: 355). When they are displaced and relocated to a new land, how do we compensate them for losing the very hills that constitute their identity? In other words, how do we respond to irreversible loss? Loss of symbolically significant natural resources such as trees, mountains, forests and landscapes and separation from cultural animals due to displacement is irreversible and cannot be compensated. It might be possible to provide displaced peoples with an uninhabited territory and job opportunities, build new homes, and generate funds for them. However, the collective identity that has been lost cannot be entirely compensated. We seem to underestimate the loss of collective identity in debates about displacement. As Alexa Zellentin points out, we see the loss of cultural identity as unfortunate but not as a matter of justice (2015: 492). This is worrisome, especially when we understand the inextricable connection between indigenous existence and the natural resources within the associated territory. As Kymlicka (1995) has argued

[10] It must be said that the Basque people are not an indigenous group. I have simply used them as an example to illustrate how an object can constitute a group's identity.

in the context of debates on multiculturalism, a group's identity anchors people's self-identification and the safety of effortless, secure belonging. When a group's collective identity is not respected, then the dignity and self-respect of its members can also be threatened. Similarly, when indigenous identity is lost due to conservation-induced displacement, the sense of self-identification of the indigenous people displaced is also harmed. At this juncture, it is important to add that underestimating any group's identity loss is like failing to recognise the importance of such identity. Non-recognition of the identity of others is a moral wrong as it shows a lack of respect for others' sense of being (Honneth, 1995; Taylor, 1992).

In summary, in this section I have argued that conservation-induced displacement generates three interconnected wrongs. Two wrongs (territorial and epistemic) are first-order wrongs, while a third (identity-based wrong) is a second-order wrong. This is a second-order wrong because it derives from the fact that indigenous groups have been wronged on territorial or epistemic (or both) grounds. As I have argued, this tripartite framework for assessing the wrongs of conservation-induced displacement helps us to see the reason why relocation or monetary compensation cannot be the solution to the displacement of indigenous groups for the sake of protecting biodiversity.

5. Objections

In this chapter, I have argued that scholars with an interest in biodiversity conservation should pay more attention to the condition of those indigenous groups that live in specific areas and entertain special relationships with natural resources on certain pieces of land. I recognise that my emphasis on the multiple wrongs suffered by indigenous groups may be open to several objections. In this section, I will address three such objections: the problem of sweeping generalisation and essentialisation, the over-idealisation of indigenous groups, and the conservation-sustainability link.

Sweeping generalisation. My argument could be perceived as involving sweeping generalisations and essentialising claims about indigenous peoples. The point of my arguments in this chapter is that interdependent relationships between humans and non-human beings may be relevant for wholesome biodiversity conservation, especially in a geographical space where certain people live and understand themselves to be inextricably interconnected with others, namely other humans and non-human species. While my point is that an interdependent relationship is embodied in the everyday practical life of several indigenous peoples, I recognise that indigenous peoples are not homogeneous. Each group has its own unique history, culture, traditions and experiences. Furthermore, my arguments do not indicate that all indigenous peoples have harmonious, interdependent relationships with both humans and non-human beings in their natural environments. If we inquire, we might find some indigenous groups who do not care about the well-being of non-human species. There could be indigenous groups who do not care about environmental protection, and who even contribute significantly to destroying their environments. This does not exclude the fact that my argument in this chapter might help us view the case of conservation-induced displacement through a new lens, at least when certain types of indigenous groups are affected by cases of fortress conservation.

Over-idealisation. My argument on interdependent relationships does not involve presenting indigenous peoples as the best conservationists, nor does it suggest they are saints in the conservation sphere. My reason for arguing in favour of interdependent relationships is to demonstrate that it is possible to conserve biodiversity while allowing people to remain in their ancestral lands, as they have interdependent relationships with non-human species, accompanied by mutual obligations that promote positive biodiversity conservation. Given that humans rely on either animals or plants for food to sustain their survival, we need to adopt an approach to conservation that acknowledges the interdependent relationships between humans and non-human species, rather than viewing them as being in conflict.

Conservation-sustainability link. Authors who have challenged indigenous conservation practices have done so for two reasons. The first is that sustainability does not necessarily equate to conservation (Alvard, 1993). The second argument is that for a practice to qualify as conservation, it must have a measurable effect on limiting resource harvest or environmental degradation (Smith & Wishnie, 2000).

As a general response to this objection, my idea is not that consideration of indigenous territorial and resource rights should be based solely on their positive and sustainable relationship with the environment. This is because "there is something unsettling about the idea that we should condition fundamental indigenous rights on a group's positive and sustainable relationship with the environment, a litmus test that is not applied to other groups. Including most societies based in the Global North whose overproduction and overconsumption are principally driving the environmental crises threatening our planet" (Luoma, 2021: 101). To conclude this section, a crucial point to make about indigenous peoples is that they have practices that sustain their interdependent relationships with non-human species, and these practices may yield positive biodiversity outcomes.

Let me now turn to the two more specific arguments. Using a Piro indigenous hunter as an example, Alvard demonstrates that indigenous peoples are not conservationists (1993: 146). He argues that when the Piro hunters ignore animals such as agoutis, capuchin monkeys and cracid game birds, this is not a reflection of conservation concern, but rather the result of the limitations inherent in shotgun hunting. According to him, the Piro gun hunters hunt with few shells, often only one or two. So, in his view, resource harvesting can be sustained without conservation. He argues further that a small population of hunters could hunt unrestrainedly, but because their impact is small, the harvest can still be sustainable. He believes such hunters should not be confused with conservationists. Many authors have argued that limited technology, low population density, and limited access to the market (typical features of indigenous peoples) can result in sustainable resource use (Alvard, 1993; Smith, 2001; Smith & Wishnie, 2000). However, according to these authors, these factors should not be considered conservation. This would equate conservation with sustainability (Smith & Wishnie, 2001).

We can readily agree that indigenous peoples usually constitute a small population and often lack novel technology, but reducing their conservation efforts to these factors is inappropriate. Indigenous groups practice conservation in as much as conservation can be defined as "the management of human use of the biosphere so that it may yield the most significant sustainable benefit to present generations while maintaining its potential to meet the needs and aspirations of future generations" (IUCN, 1980: 1). Indigenous peoples perform practices that have helped them conserve biodiversity. Thus, their conservation practice qualifies as conservation. They have several practices designed to allow them to achieve biodiversity conservation. For example, they apply the rotation principle for hunting: one crucial way that the Waswanipi people regulate the harvest and production of animals is through rotational hunting. By not occupying a given hunting territory every year, the hunters allow the population of animals to grow (Feit, 1971). The Waswanipi apply the principle of rotation in agriculture, where land is periodically left fallow or rested and often planted with species that help restore soil fertility (Ulluwishewa et al., 2008: 277). Intercropping, multiple cropping, agroforestry, shifting cultivation and integrated farming systems are all traditional approaches that help maintain biodiversity (Berkes, Folke, & Gadgil, 1995). Indigenous peoples also use fire as a tool for resource management and community protection (Lake & Christianson, 2019).

The second argument is the claim that for a practice to qualify as conservation, it must have a measurable effect in limiting resource harvest or environmental degradation. Smith and Wishnie claim that if conservation refers to environmental actions, the effect of these actions should be demonstrated (2001: 502). They therefore challenge the existence of indigenous beliefs around conservation, arguing that they do not constitute evidence for conservation. It is argued that the existence of sacred groves was “a latent function of … religion, and thus a weak form of conservation” (Olafson, 1995: 29). Olafson claims that there was no indication that local protection was matched to overall forest preservation, but instead that it was matched to “protection of themselves and their children from disease-causing environmental spirits” (1995: 29). My point here is that a lack of knowledge about something does not mean a thing does not exist. Of course, sacred groves exist for various reasons. One author notes that even though sacred groves are human artefacts and have much historical, symbolic and socio-political significance, they also have ecological significance (MacDonald, 2003). For example, groves were set apart for the protection of wildlife, including the Sacred Mijikenda Kaya Forests in Kenya and the Thula Thula game reserve in South Africa, even before contact was made between these peoples and the West, or before the emergence of modern conservation (Samuel & Omosulu, 2024: 159).

6. Conclusion

In this chapter, I have demonstrated that the imposition and enforcement of fortress conservation contribute to conservation conflicts that ultimately lead to the displacement of indigenous groups. Underlying fortress conservation, I argued, is a conceptual and normative outlook that sees the interests of human beings and those of nature as necessarily in conflict with one another. This outlook needs to be challenged. Humans indeed exploit natural resources because they rely on animals and plants to sustain their survival, but animals and plants also exploit each other in order to survive. Nevertheless, my claim is that in addressing biodiversity loss, it is important to acknowledge that humans and non-human species are not necessarily in conflict, but they also coexist and interact in interdependent relationships within their shared environment. Thus, humans and non-human beings are not separate units of analysis, they are interdependent and inextricably interconnected. Introducing the idea of interdependent relationships between human and non-human entities allows us to conceive the possibility of conserving biodiversity without displacing indigenous groups.

Furthermore, I argued that conservation-induced displacement generates three interconnected wrongs. Two wrongs (territorial and epistemic) are first-order wrongs, while third wrong (identity-based) falls into the second-order category. This is a second-order wrong because it is derived from the fact that indigenous groups have been wronged on territorial or epistemic (or both) grounds. I have argued that this tripartite framework for assessing the wrongs of conservation-induced displacement helps us see why relocation or monetary compensation cannot be the solution to the displacement of indigenous groups for the sake of protecting biodiversity.

The lack of adequate treatment of conservation-induced displacement in the current literature on territorial rights and natural resource conflicts signals a deeper problem with such literature. As I will show in the next chapter, current discussions on territorial rights and resource conflicts often share normative presuppositions and conceptual frameworks that make it impossible to acknowledge the specific wrongs of conservation-induced displacement or even adequately account for the grounds of indigenous communities' relationship to natural resources and the grounds of their rights.

Chapter 2

Conservation-induced displacement through the lens of territorial rights and natural resource conflicts

1. Introduction

Natural resource conflicts are disagreements and disputes over *access to*, *control over* and *use* of natural resources (Muigua, 2024: 2). Human beings have different uses for natural resources and, at the same time, want to manage these resources in different ways. These differences can lead to conflict when:

1) there is competition over access to and use of natural resources;
2) parties believe that their needs cannot be met;
3) parties perceive that their values, needs or interests are under threat (Engel and Korf, 2005: 1).

Natural resource conflicts are frequent and everywhere. They have negative impacts on people's livelihoods and individual well-being in general. They are also a cause of displacement. Natural resource conflicts, with the words of Chris Armstrong, "are impossible to ignore in our world" (Armstrong, 2017: 1).

Over the last decade, political theorists focusing on territorial rights and natural resources have acknowledged the negative impacts of resource conflicts, even introducing a broad array of new normative theories, such as attachment-based theories (Armstrong, 2017), legitimate-expectation-based accounts (Moore, 2019), improvement-as-grounds-for-resource-rights theories (Miller, 2012; 2021), and efficiency-based accounts (Meisels, 2003; 2009).

Despite this attention to the issue of resource conflicts in the literature on territorial rights, there has been little attention to cases, like that of the Ogiek indigenous community mentioned in the previous chapter, where indigenous groups and political authorities clash over biodiversity conservation, and in which competing views of legitimate conservation practices may induce displacement. Against this backdrop, to set the normative baseline of my argument, this chapter reviews the existing literature on territorial rights and natural resource conflicts. In examining the different approaches, I will not only highlight that the discussion on conservation resource-based conflict is scant in the existing literature on territorial rights, but also show how existing normative theories only provide partial, unsatisfactory or even biased guidance on how to address conservation resource-based conflict and the displacement that follows it.

Building on the diagnosis of chapter 1, this chapter will critically evaluate the literature on territorial rights and resource allocation to show how it fails to provide an adequate and distinctive normative framework to address the phenomenon of conservation-induced displacement. Given the fact that the displacement of indigenous groups from their ancestral land is one of the most evident consequences of conservation-based conflicts, it might seem obvious to turn to theories of territorial rights to account for the nature of such wrongs. The not-so-intuitive problem, however, is that classical theories of territorial rights are mainly preoccupied with establishing jurisdictional rights by groups or state-like entities. Thus, they are, in other words, biased against indigenous groups in that they assume states, or groups that have a quasi-state organisation, as the main subjects of territorial rights. There are, of course, several community-based theories of territorial rights. However, they still fail to account for the injustice suffered by communities displaced by conservation policies because they are grounded on notions such as self-determination, nation or culture, rather than the relations established through everyday work and care for the land. Having said this, I will focus on the theories proposed by theorists such as Simmons, Meisels, Steiner, Ypi, Stilz, Moore, Nine, Miller and Kolers to examine how far such theories consider the injustices suffered by indigenous groups, in the name of conservation-induced displacement.

In general, a standard jurisdictional approach to territorial rights fails to problematize the issue of accessing and conserving natural resources, and, therefore, the multiple causes and types of resource conflicts. The problem is that even when we turn to contemporary theories of resource entitlement, they tend to allocate rights without direct references to what happens to the environment. In this sense, they overlook the normative significance of conservation. We need, I shall argue, an account that can account for the multiple and simultaneous wrongs of conservation-induced displacement. Even attachment based theories, which are the most developed paradigm to address resource conflicts, as we shall see, are incomplete. If we take seriously what I wrote in chapter 1, the grounds of indigenous groups' entitlement to resources should not be seen as a unidirectional, sentimental relation of attachment. To support my claims, I shall proceed as follows. In Section 2, I shall introduce some key definitions. In Section 3, I shall present the philosophical roots of present-day discussion on territorial rights. In Section 4, I shall outline the main contemporary normative approaches to territorial rights. It is against this backdrop that in the second part of the chapter, I move closer to the issue of natural resource conflicts. In Section 5, I shall present different types of resource conflicts. Section 6 will examine different theories of legitimate natural resource use. Section 7 concludes.

2. Some key definitions

To start, since fortress conservation induces the displacement of entire communities, it might come natural to analyse the issue of conservation-induced displacement through the lenses of theories of territorial rights. To do so, however, given the complexity of the debate, it is important to define some key concepts.

First, the territory is neither property nor land. There is always a tendency to use these terms interchangeably because they are related. Land, property, and territory need to be conceptually distinguished even if, in many cases, they are interlinked. It is, therefore, necessary to provide conceptual distinctions between these three terms (Moore, 2015; Nine, 2008; Kolers, 2012; Angell, 2019). In Moore's view, the land is a portion of the earth's surface that is not covered by water (2015: 15). Land has three interrelated meanings which are well captured by Coulthard: “land as resource central to our material survival, land as identity, as constitutive of who we are as a people, and land as relationship” (Coulthard, 2014: 62). Territory, on the other hand is defined by Kolers as a "geographic place that is bounded and controlled in part through geographical means such as the establishment of physical boundaries or other means of demarcation" (2012: 4). Obviously, Kolers' definition of territory is more of geographic concept than a political concept. His definition of territory does not help us understand why territory has become an interesting topic for political philosophers. Moore's definition of territory offers a better understanding of what it means to lay claim over a territory. According to Moore, territory is a political concept which is used to refer to the geographical domain of a political entity (2015: 15). Territory is, therefore, interpreted as the domain of legitimate jurisdictional control (Miller, 2012; Nine, 2012; Banai, 2014; Moore, 2015; Angeli, 2015; Stilz, 2019).

A clear definition of territory is helpful because it enables a better understanding of the difference between when an agent lays claims over land or property, or when there is a claim over a territory. Hence, the role of a property right is to give the appropriate holder control over other people's access to the use and benefits of an object, while the function of a territorial right is to give the right holder the power to make, adjudicate, and enforce the law within a geographical area (Nine, 2008; Angell, 2019). Territory is held in trust for a population, including future generations and future immigrants; thus, territorial rights have at their core a stewardship element that is absent from property rights (Kolers 2012: 27). Unlike property, territory is the geographical domain in which people exercise jurisdiction over their collective lives (Moore 2015: 27).

Second, although many theorists of territorial rights agree on the difference between property and territory, there is no consensus on how to define territorial rights. In this context, John Simmons defines territorial rights as a complex bundle of claims, including (1) rights to exercise jurisdiction over those within the territory and so to control and coerce in substantial ways even non-citizens within it; (2) rights to reasonably complete control over land and resources within the territory that is not privately owned; (3) rights to tax and regulate uses of that which is privately owned within the state's claimed Territory; (4) rights to control or prohibit movement across the borders of the territory; and (5) rights to limit or prohibit 'dismemberment' of the state's territories (Simmons 2001: 306). David Miller understands territorial rights to include rights to (1) jurisdiction, (2) resources found on the territory, and (3) control immigration. Nine enumerates four elements of rights that constitute territorial rights:

a) jurisdictional rights over persons within the territory,

b) jurisdictional right over resources within the territory,

c) ownership rights over resources,

d) the authority to determine residence, immigration and citizenship rights regarding the region (Nine, 2012, 6).

According to her, in this definition, (a) and (b) are the necessary elements of territorial rights, while (c) and (d) are only contingently part of the right. As a necessary element, territorial rights exist only if both (a) and (b) hold. In other words, a territorial right may exist even if (c) and (d) do not hold (Nine 2012: 7-8). More straightforwardly, she summarises her definition of territorial rights as the jurisdictional rights over persons and resources (Nine, 2012). The column below represents a generalised overview of the difference between concepts such as, land, territory, property rights, and territorial rights. Highlighting these differences is crucial, as we will encounter these terms in subsequent sections and chapters. Having said this, I now proceed to briefly explore the political philosophies of Kant and Locke to point out how they have been utilised to conceptualise territorial rights.

Land	Territory
Land as resource central to our material survival, land as identity, constitutive of who we are as a people, and land as relationship" (Coulthard, 2014: 62).	The geographical domain of a political entity (Moore, 2015: 15).
Property right	Territorial right

It gives the appropriate holder control over other people's access to the use and benefits of a specific object (Nine, 2008; Angell, 2019).	It gives the right holder the power to make, adjudicate, and enforce the law within a geographical area (Nine, 2008).

3. Territorial rights: possible justifications

In the previous section, I noted that although land, territory, and property are related, they have distinct meanings. I presented different definitions to clarify the difference between each term. In this section, I present the political philosophies of Kant and Locke and how contemporary political philosophers have used their views to theorise territorial rights. In the history of political thought, it has become almost commonplace to address issues of access to natural resources and place-based interest negotiation through the lenses of territorial rights. It is thus important to see whether, and the extent to which, existing theories of territorial rights gives us enough instruments to explain the issue of conservation-induced displacement.

Discussions of territorial rights within the mainstream Western tradition are rooted in the political philosophies of Pufendorf, Grotius, Thomas Hobbes, John Locke, and Immanuel Kant. While this section focuses on the mainstream Western tradition, it recognises various ways in which discussions on territorial rights have been approached. For instance, Catherine Boone demonstrates how land tenure regimes are territorially significant in Africa (Boone, 2007). According to her, territorial conflicts are expressed as land-related conflict in many African countries, and she describes such conflict as dangerous threats to territorial states (Boone, 2007: 60). Also, Coulthard grounds indigenous territorial rights in their attachment to land and place-based practices (2014: 60). For the fact that most contemporary discussions on territorial rights are drawn from the political philosophies of Kant and Locke, this section will focus on Kant's theory of rights and Locke's property theory to show how their theories have been used to conceptualise territorial rights by the contemporary theorists.

3.1. Locke and Lockeans on the justification of territorial rights

Lockean account of territorial rights is built on Locke's theory of property rights. One way to understand the application of Locke's theory of property to territorial rights is through his argument on the emergence of state authority. First, Locke understands property rights as natural rights that can be acquired through labour in the state of nature. Locke argues that property rights can only be acquired by exploiting the natural resources that are owned in common. "For God gave the earth in common to the use of the industrious and rational beings", "as much as man tills, plants, improves, cultivates and can use the product of, so much is his property. He by his labour does, as it were, enclose it from the common" (Locke, 1823: 30-33). So, property is acquired by exerting labour upon natural objects owned in common. As Locke holds, labour indeed distinguishes the owner of property from non-owners. In Locke, property ownership precedes the establishment of the state authority. The state authority came into being to protect and secure individual property owners. Hence, the transition from the state of nature to the state of political society is to protect individual property rights. As Locke says: "Though in the state of nature he hath such a right, yet the enjoyment of it is very uncertain and constantly exposed to the invasion of others; for all being kings as much as he, every man his equal, and the greater part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very insecure" (1823: 159). Therefore, "the great and chief end of men uniting into commonwealths, and putting themselves under government, is the preservation of their property; to which in the state of Nature there are many things wanting" (Locke 1823: 159).

For Locke, the state can regulate property rights and land possession. Furthermore, the state obtains the authority to do so through the consent of the individual property owners. Locke writes: "And thus every man, by consenting with others to make one body politic under one government, puts himself under an obligation to every one of that society to submit to the determination of the majority, and to be concluded by it" (Locke 1823: 146). Thus, the state acquires territorial rights through the consent of individual property owners who agreed to establish a state to rule over them and their property. For Locke, submitting one's property also entails submitting oneself to the state authority. "For it would be a direct contradiction for anyone to enter into society with others for the securing and regulating of property, and yet to suppose his land, whose property is to be regulated by the laws of the society, should be exempt from the jurisdiction of that government to which he himself, and the property of the land, is a subject" (Locke, 1823: 157).

Locke's idea on property rights and his view on the establishment of state authority for the protection of the property of individuals through consent have been applied to theorise territorial rights in different ways by theorists, and these different ways have created a divide among Lockeans. Hillel Steiner, for instance, in his account of territorial rights, argues that the state derives territorial rights from individual property rights (Steiner, 1996; 2008). This sort of account is considered an individualistic Lockean theory of territorial rights. For Steiner, individuals have the right to secede their landed property from their states since the states' territorial right is derived from the individual's property owners. In his words: "Precisely because a nation's territory is legitimately composed of the real estate of its members, the decision of any of them to resign that membership and, as it were, to take their real estate with them is a decision that must be respected" (Steiner, 1996: 144). In another paper, he insists that there is nothing wrong with individuals seceding their property from the state. "So long as any property's removal from a state's territory would not entirely sever that territory into two (or more) completely non-contiguous areas – separated by one or more foreign territories – its owner's secession could not count as being inconsistent with that territory remaining a 'whole, united territory', on this rule" (Steiner, 2008: 955). In response to this, Nine worries that a state in which its members can quit their membership whenever they want will suffer instability, "for a monopoly of some local density is necessary for a state to perform the basic functions of providing public goods, making and enforcing law, protecting the peace, resolving conflict, etc. If a state does not maintain local density and stability, like Steiner's non-monopolistic newsagent delivery service, then it is just not a state as we commonly know it" (Nine, 2008, 960). Nine is not alone in thinking this way about Steiner's conception of individualistic Lockean territorial rights. Simmons also disagrees with Steiner's view even though he defends the individualistic Lockean account of territorial rights.

According to Simmons, when individuals consent to join the state, they cannot quit their memberships. In his words: "when people consent to make or join a political society, then their consent should normally be understood to be consent to whatever arrangements are necessary for a peaceful, stable society" (Simmons, 2003: 313). For Simmons, stability is necessary because "the state cannot effectively protect its subjects from domestic or alien aggression if it cannot exercise certain kinds of control of the territory. Therefore, stability in this preservation of peace requires that the societies' territories not be dismembered or perforated by the individual decisions of subjects, allowing alien presences within established defences, and so on. In other words, the consent of the individual property owners should be understood to be consent to the following arrangement: Subjects will not bequeath, sell or otherwise alienate property incorporated into the state's territories except on the condition that subsequent holders of that land will also be bound by the obligations of membership, including subjection of the land to state jurisdiction (Simmons 2003: 313). In addition to Simmons's emphasis on individuals' consent, Van der Vossen insists that once a state acquires territorial rights through individual consent, such rights endure over time (2015:722). Nine has critiqued the view that state territorial rights are derived through the consent of individual property owners. She argues that individuals' consent cannot explain the territorial rights of the state (2008:153). Instead, she proposes a collectivist Lockean theory of territorial rights, arguing that "the state, a collective, can directly acquire rights to land without prior reference to property rights or individual consent" (Nine, 2008: 154). In other words, "the state acquires territorial rights in much the same way that individuals acquire property rights" (Nine, 2008:155).

Lockeans disagree on how territorial rights are acquired, dividing themselves into the individualistic Lockean account of territorial rights and the collectivist Lockean account of territorial rights. While Locke's political philosophy emphasises the acquisition of property rights in the state of nature and the importance of political consent, Kant's view, as we shall see in the remaining of this section, emphasises the absence of property rights in the state of nature. In what follows, I will briefly present Kant’s political philosophy.

3.2 Kant and Kantians on the justification of territorial rights

Kant begins by explaining that in the state of nature, individuals can acquire property, but “such acquisition is only provisional if it does not possess the sanction of a public law, as it is not established by public (distributive) justice and is not secured by a force executing this right” (Kant, 2006: 112). Property rights are therefore not possible in the state of nature because no one can be “secure against violence from one another, due specifically to the right of each to do what he believes is right and good and not be dependent on the opinion of others” (Kant, 2006: 111). Kant describes the state of nature as a state where “justice was absent (status iustitia vacuus)”, “where one’s right was disputed (ius controversum), there was no competent judge to pronounce a judgement with the force of law (Kant, 2006: 112). If one is to have property rights and enjoy such rights, “one must emerge from the state of nature and unite oneself with all others (with whom one cannot avoid interacting) in subjecting oneself to public external coercion through laws and hence enter into a condition in which what is to be recognised as his own is legally established and secured by sufficient power (a power that is not his own, but rather an external one) which is to say that one should above all enter into a civil condition (Kant, 2006: 112). In Kant’s view, individuals do not need to consent to enter a civil condition but are compelled. Commenting on this, Katrin Flikschuh points out that “Kant’s morality of right is intrinsically coercive, as Kant claims that juridical laws legitimately restrict a person’s will irrespective of that person's consent" (2010: 477). This suggests that anyone subject to laws of external freedom can legitimately be made to conform to these laws, even against their will (Flikschuh, 2010: 477).

While theorising territorial rights, Stilz follows Kant's views to argue that a state does not need to acquire a right over territory through the people's consent. According to her, "Since the state is required to define and enforce property rights consistent with everyone's freedom, living under the state is not a choice, but a moral imperative" (Stilz, 2009: 201). She proposes a legitimate state account where a state's claim to territory is rightful if and only if:

1) The state effectively implements a system of law defining and enforcing rights, especially property rights, on a territory.
2) Its subjects have a legitimate claim to occupy that territory
3) That system of law "rules in the name of the people" by protecting basic rights and granting the people a voice in defining them.
4) The state is not a usurper (Stilz, 2011: 578).

On the legitimate state account, Stilz emphasises that states can only claim territorial rights as representatives of the people they govern. The people are made into one collective body by being subject to state institutions and participating together in shaping these institutions (2011: 579). For Stilz, the people are not defined by cultural characteristics but rather by their willingness to cooperate in political cooperation (2011: 591). In her view, the state represents the people because they cannot exercise their rights directly (2011: 580). She points out two essential reasons why states, and not the people, should hold territorial rights: The problem of unilateral interpretation and the problem of unilateral coercion (Stilz, 2011: 581). Her first point is that in the event of conflict over property rights between individuals, disagreement over which property belongs to this or that individual, is bound to occur. Her second point suggests that even if individuals agree on the limits of their property, there is still a problem of unilateral coercion because the interpretation of what the limit of their property consists of depends on the individuals themselves (Stilz, 2011: 581). So, to be fully independent of interference, there must be a mechanism (the state's framework of lawful coercion) to assure all individuals that their rights will be guaranteed no matter the condition of everyone's will (Stilz, 2011: 581). Therefore, "Only state can claim territorial jurisdiction because only they can promulgate and enforce a unitary, public and objective criterion of rights, especially property rights that binds everyone in a given area" (Stilz, 2011, 582).

Jakob Huber points out that Stilz's views "leave us without a non-circular criterion for connecting a particular group of individuals to a particular territory: the moral boundaries of legitimate jurisdiction collapse into the de facto boundaries of existing states" (Huber, 2016: 18). Her views on the "state-modelled notion of peoplehood are only supposed to deliver a necessary*,* not a sufficient criterion for legitimate claims to territory" (Huber, 2016: 18). Ypi also recognises this justificatory gap while conceptualising territorial rights and proposes a permissive theory of territorial right, wherein justification for territorial rights will only be provisional and conditional, and where instead of justifying territorial rights based on an agent claim over a particular territory, she maintains that justification over territory should be universal; in this case, extending it to the citizens of other states and stateless people, and future generations (Ypi, 2012: 293). Drawing on Kant's property arguments, Ypi asserts that states can claim a particular territory, but the justification for such a claim is only conditional and provisional (Ypi, 2012: 293). Specifically, Ypi claims that "States can continue to exercise territorial rights if and only if their citizens are also politically committed to the establishment of a global authority realising an all-inclusive principle of right (Ypi, 2012: 293).

Huber avers that 'states' on Ypi's view "represent nothing more than a transitory stage on an unstoppable path to an all-inclusive political community" (Jakob 2016: 19). Huber argues that while states' claims to territory might have a justificatory gap, states dissolution in favour of a single unified world community is problematic. Drawing on Kant, Huber argues for a "need to complement the domestic arena with international (between states) and cosmopolitan (between citizens and states other than their own) realms" (Huber, 2016: 22). As Huber points out, the interdependence of these three rights: domestic, international and cosmopolitan comes with wider, more encompassing obligations towards other states and outside individuals (Huber, 2016: 22). Although from a different context, Flikschuh points out the need to recognise the role of interdependency of different forms of public rights within Kant's system. She maintains that "Only all three forms of public right together yield a full instantiation of the general concept of Right—no individual form of right fully instantiates the general concept in the absence of either of the remaining two forms. It follows that domestic rights relations are not fully just unless embedded in just relations between states; similarly, international Rights are not complete without cosmopolitan Rights" (Flikschuh, 2010: 487).

As can be seen, there are different positions on how territorial rights are acquired. On the one hand, those who follow the views of Locke hold different views about territorial rights: the individualistic Lockean account of territorial rights (Simmons, 2003; Steiner, 1996) and the collectivist Lockean account of territorial rights (Nine, 2008). On the other hand, Kantians are also divided in their views: those who favour statist territorial rights (Stilz, 2008; 2011), the cosmopolitan views (Ypi, 2013), and those who combine both statist and cosmopolitan views (Huber, 2016). Despite their significant differences, these two macro approaches tend to frame the entire discourse regarding the justification of legitimate jurisdictional authority, postulating that the most relevant relationship is between states, individuals, and lands. States and individuals, as we have seen in Chapter 1, are not necessarily the only possible right-holders, and actually, in the case of conservation-based conflicts, we see that the picture seems to be even more complex.

4. Territorial rights: right-holders

The previous section mainly showed how the ideas and views of Kant and Locke were conceptualised and made relevant in defending state's territorial entitlements. This section focuses on showing how the question of defining the appropriate right-holder is central to several theories. I will divide theories of territory into two broad types: statist theories and non-statist theories. Statist theory, as we shall see, generally holds that the state should be the right-holder of territorial rights. Non-statist theories refer instead to collectives or groups.

4.1. Statist theories of territory

Statist theories of territory hold that only states qualify to hold rights over territory. I identify two types of statist theories of territory: voluntarist theories and functionalist theories.

Voluntarist theories of territorial rights: These theories believe that states derive their territorial rights through the free choice of the individuals. Simmons proposes a Lockean individualist voluntarist account and argues that "each legitimate state's rightful territory is thus constructed piecemeal from the free choices of persons to submit both themselves and the land on which they live and work to the state's authority" (Simmons, 2016: 116). In this view, state territorial rights are justified based on the consent of individuals. Only individuals who have consented to membership in a political society are legitimately subject to its authority and have the obligations of citizens (Simmons, 2016: 116). The Lockean individualist version of voluntarism rests on three compelling claims: First, the only persons legitimately subject to a state's authority are those willingly subject to it. Second, the only clear cases of rightful state claims to territorial rights (over particular geographical areas) are claims to what is lived on and laboured on by that state's willing subjects. Third, the rights of those persons wronged in states' territorial acquisitions do not simply fade away in the interest of the more powerful or the more numerous (Simmons, 2016: 116).

Functionalist theories of territorial right: For the functionalist theories, the state derives its right over territory from the fact that controlling territory is necessary for the state's performance of its morally mandatory functions. One view holds that a particular state has the authority to rule over a territory if it can establish justice in that territory. For instance, Buchanan (2012: 247) thinks that the chief moral purpose of the state is to achieve justice and protect fundamental human rights. Nine also, from her collectivist Lockean account of territorial rights, maintains that "states' territorial rights in land are required because the actions of the state that protect and promote important moral values are actions concerning the establishment of justice in a region" (2008: 156). Using Kant's views, Stilz argues that "the state is required to define and enforce property rights consistent with everyone's freedom" (Stilz, 2009: 201). On her legitimate state account, the state represents the people when it enacts legislation in the public interest and grants the people a voice in determining this legislation. Stilz insists that only states can claim territorial jurisdiction because they are the only entity that can promulgate and enforce a unitary, public and objective criterion of rights, especially property rights that bind everyone in a particular area, thereby overcoming the problems of unilateral interpretation and assurance (2011: 580). From a Kantian perspective, Ypi insists that the states should create a political authority responsible for realising the universal principle of right (2013: 156). From the foregoing, Lockean theories provide voluntarist justifications of the state's territorial rights, while Kantian theories provide functionalist justifications. However, both of them are inadequate to account for the issue of conservation-induced displacement since they are biased in favour of the state and do not seem to provide adequate tools to assess the claims of indigenous communities.

4.2. Non-statist theories of territory

Non-statist theories of territory argue that groups or collectives can hold rights over territory without reference to the state. These theories include nationalist theories of territory, collective self-determination theories, and the ethnogeographic community as a theory of territory. Even if they seem to progress towards a formulation that can more easily capture the distinctiveness of conservation-based conflicts and displacement, non-statist theories, as we shall see in what follows, are based on concepts like self-determination, national identity, or other grounds that fail to reflect the nature of the relationship between indigenous groups and the land they inhabit.

Nationalist theories of territory: This theory holds the view that territorial rights belong to nations. Miller defines a nation as a body of people who identify with one another because of shared cultural values and symbols, a history of living together on the territory they regard as their home, and who value their association (2016: 859). Following the views of Locke's labour theory, Miller presents two arguments in defence of a nation's territorial rights: material value and symbolic arguments. According to him, creating material and symbolic values can give rise to territorial claims. He argues that a group that has made material value that is now physically embodied in a particular territory needs to live in that territory to capture it (2012: 263). Secondly, if a place is rich with symbolic meaning, the group must remain there to enjoy it. In one sense, to lose a territory is akin to losing that which is of symbolic value to the group. Therefore, if a group has added value to the territory, its continued enjoyment of the value it has created will always be insecure unless the territory is controlled by political institutions that represent the group (Miller 2012: 263). From the perspective of liberal nationalism, Meisels maintains that the most central features of the relationship between individual nationals and the territories they value concern culture and history (2009: 150). In her view, the justification for a nation's territorial rights is grounded in the significant interests of the individual members comprising the relevant national group (Meisels, 2009: 59).

Collective self-determination theories of territory: Moore argues that it is possible to conceive an idea of a people without reference to a state or cultural nation. According to her, A 'people' has jurisdictional rights (and the related liberties, claims and entitlements that generally flow from this) over land in which members of the group reside if they legitimately reside on the land (Moore 2015: 8). In her view, ‘the people’ do not need to reside within state or state-like institutions to qualify for territorial rights. She argues that her concept of self-determination account is valuable because, when a state fails, 'the people' will continue to exercise authority throughout their territory. Like in the case of Somalia, despite the failure of the state institution, Somali people retain some territorial authority. Secondly, where a state is conquered, the people (the citizens) can continue to exercise jurisdictional authority in its territory (Moore 2015: 19). According to Moore, to become a people capable of holding territorial rights, a group must meet the following conditions: The first condition is that a 'people' must be a collective group, with collective agency, which acts together in organised ways, either through informal methods of coordination or through more formal methods. The second condition is that the groups must have the capacity for political self-determination. The third condition is that there must be historical evidence that the people constitute a single people rather than a collection of individuals, which can be discovered by examining the existence of political relationships that constitute the group (Moore 2015: 19).

Similarly, Nine presents a conception of 'a people' that does not refer to the state or cultural nation. She argues that a group with the right of self-determination over a territory has the authority to make, adjudicate and enforce rights within and over that territory (Nine 2012: 47). Her conception of self-determination is normatively vital as it recognises the stateless people. According to her, in the case of a failed state, the people will continue to hold territorial rights (Nine 2012: 15). In other words, 'the people' may hold rights against the state (Nine 2012: 15). In her view, a people must meet the following criteria to hold territorial rights: first, they must demonstrate the capacity to meet minimal standards of justice (to provide secure access to the objects of basic human needs for members and to respect the fundamental human rights of all persons) through authority over territory and resource. Secondly, they must have members who share a common conception of justice (Nine 2012: 45).

The ethnogeographic community as a theory of territory: Avery Kolers argues that the rightful agent to hold territorial rights is the ethnogeographic community (2012: 4). Ethnogeographic community, according to him, is a group of people who share an ethnogeography and whose land-use practices densely and pervasively interact (Kolers, 2012: 3-4). Two important criteria of ethnogeographic communities are: First, it must be a group with densely and pervasively interacting land use patterns. Secondly, they must share an ontology of land. He explains that land use patterns are densely interacting when people's use of land is such as to rely on each other for their possibility or viability. These interactions are pervasive when they structure a whole way of life (Kolers, 2012: 86). The above criteria are sufficient and necessary to distinguish ethnogeographic communities from other groups. He argues that even if a group shares an ontology of land, but they do not feature densely and pervasively interacting patterns of land use, they cannot be called ethnogeographic communities; hence, they are not eligible to assert territorial claims (Kolers, 2012: 87). According to Kolers, the members of an ethnogeographic communities do not need to share a primordial identity, political opinions or even any desire to live together. So, they must be distinguished from others by densely interacting pervasive land use patterns and the shared ontology of land. Ethnogeographic communities must also be distinguished from the ascriptive and associative groups. It must also be distinguished from "peoples" (Kolers, 2012: 88). According to Kolers, in explaining the difference between ethnogeographic communities from others, we must not appeal to race, identity, religion or nation (2012: 89). Ethnogeographic communities are to be determined by appeal to the conception of land and the patterns of land use (Kolers, 2012: 89).

Taken together, the last two sections have mapped several areas of disagreement in the contemporary political theory of territorial rights. In what follows, I will bring this general setup closer to the issue of natural resources.

A key aspect of all theories of territorial rights is the sort of relationship they create between right holders and the natural resources that one can find in a specific territory.[11] One problem with theories of territory is that they cannot distinguish between a right over a resource and a right over a territory. This is challenging because if a forest is a resource to which a group holds a legitimate attachment claim, their desire is most of the time to have a special resource right to it and not control the whole territory. Like in the case of the Ogiek people mentioned in the introduction, they do not claim rights over the entire territory of Kenya; they only claim special resource rights to the Mau Forest to which they are attached. So, theories of territory do not make this important distinction between a claim over

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[11] Hereafter the term "natural resources" include raw materials available from the natural world which are not produced by humans but are beneficial to them, such as, among other things, Gems, metals, oil, gas, agricultural land, air, sunshine, plants, animals, the trees of the forests, the water of the rivers and oceans, the mineral and Petrochemical wealth lying under the soil, and the seas. On this issue, see Armstrong (2017), Nine (2012) and Moore (2015).

resources and a claim over territory; instead, resource rights go to whoever is the appropriate agent holding territorial rights (De Biasio, 2024: 7). Hence, we should not rely on the theories of territory in the event of resource conflict between parties because their arguments about claims to natural resources are usually indirect claims. An indirect claim to natural resources, according to Armstrong, “is a claim which asserts that a specified agent has a claim to control, securely access, or place constraints on other’s access to a resource but drives that claim purely from other prior claims such as claims to exercise control over territory or borders” (Armstrong, 2017: 118).

In this context, collectives might argue that they “must be allowed to control resource x, or to be allowed to exclude others from accessing it because use of resource x by others will involve the violation of their putative right to regulate access to a territory” (Armstrong, 2017: 118). As Armstrong points out, “such indirect claims are rather a weak basis on which to ground claims to natural resources” (Armstrong, 2017: 119). Armstrong clearly states that the standard justifications for rights of jurisdiction or border control cannot simply and immediately be extended to produce a justification for rights over resources (Armstrong, 2017: 118). Miller also suggests that just because a group can claim jurisdiction over a territory should not mean they also hold the resource rights to that territory (2012: 264). He, therefore, writes: “The story we tell to explain why the Norwegians have jurisdictional rights in the land of Norway does not directly justify their having the right to the oil they extract from that territory” (Miller, 2012: 264).

Resource-entitlement theories are fundamentally different from theories of territory. While resource-entitlement theories primarily focus on resource rights and justice, theories of territory focus on the appropriate agent that holds rights over territory. It has been pointed out that the primary focus of theories of territory is on the appropriate agents who ought to control a particular territory, with resource rights being derivative (De Biasio, 2024: 6-7; Armstrong, 2017: 118). As can be seen, territorial rights theories, even those that are not state-based, are not adequate to capture the wrong suffered by indigenous communities, because they focus on jurisdiction rather than access to resources, or make access to resources just a consequence of jurisdiction.

That is why we might want to look at resource entitlement theories as a better frame of reference, even to explain the wrong of conservation-based displacement. Even if displacement implies eviction from a territory, the real issue is indeed the relation of people to the resources present in that territory, rather than the territory per se in its jurisdictional nature.

5. Natural resources located in the territory: types of conflicts

To better understand the normative implications different resource entitlement theories can generate, it is important to clarify what is at stake and, therefore, avoid a too simplistic account of natural resource conflicts. In this vein, this section will present the two different types (*colonialism-based resource conflicts* and *sovereignty-based resource conflicts*) of natural resource conflicts that have attracted the attention of normative political theorists. I will then introduce a third type of conflict (*conservation-based conflicts*) that will be the point of reference for the argument of this dissertation. To be sure, even if I present these conflicts as different, there are overlapping features across the different types. For instance, present-day conflicts over natural resources cannot be read in isolation from the history of the relationship between relevant groups, political powers, and pieces of land where competing interests are at stake. Still, I want to emphasise that it is important to distinguish between types of resource conflicts because they may have different causes, and, therefore, require different solutions.

Colonialism-based resource conflicts. It is common to trace the origins of several conflicts between indigenous groups and their states to colonialism when "some indigenous populations were exterminated, and the colonised territories served mainly as a provider of vital natural resources" (Ypi 2013: 161).[12] In this case, conflicts are centred around a fundamental incompatibility between settler states' resource use and indigenous groups' preexisting practices. In his *Red skin, white masks: Rejecting the colonial politics of recognition*, Coulthard (2014) captures well the origin of resource conflict between the settler state, Canada and the indigenous groups. Coulthard traces the origin of this conflict to the introduction of extractivist capitalism by Canada in the 1950s and 1960s, which he describes as contrasting with indigenous hunting/fishing/harvesting (Coulthard, 2014). Coulthard explains that "as the settler population continued to grow, many of the newcomers began to pressure the federal government to advance northern economic initiatives, most notably in the form of non-renewable resource development"

[12] On this issue, see also McLeod (2000: 7) who argues that "the seizing of foreign lands for government and settlement was in part motivated by the desire to create and control markets abroad for western goods, as well as securing the natural resources and labour-power of different lands and peoples at the lowest possible cost".

(2014: 55). This led to an intense grabbing of indigenous land and resources, that resulted in land dispossession, leaving the indigenous groups with little influence over issues that concerns the well-being of their land and way of life (Coulthard, 2014). They found themselves in a position where they had little say in controlling their traditional lands, as their natural resources are constantly exploited for minerals, roads, and parks without their consent or their knowledge (Coulthard, 2014). [13]

The consequences of colonialism for disputes around resource use still resonate in present-day global politics. The 2007 UN declaration states that "indigenous peoples have the right to own, use, develop and control the lands, territories, and resources that they possess because of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired". Yet, as Joyce Green (2014: 5) notes, all indigenous peoples still struggle against the legal, political and economic impositions of the settler states that have appropriated territories, and sovereignties, and that have in the process, violated indigenous human rights (2014: 5). For instance, Green further explains that in Canada,

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[13] As reported by Coulthard (2014: 56), at the Berger Inquiry, indigenous participants expressed their rejection to colonial extractivist capitalism as follows: "That is not our way. We have lived with the land, not tried to conquer or control it or rob it of its riches. We have not tried to get more riches and power, we have not tried to conquer new frontiers, or out do our parents or make sure that every year we are richer than the year before. We have been satisfied to see our wealth as ourselves and the land we live with. It is our greatest wish to be able to pass on this land to succeeding generations in the same condition that our fathers have given it to us. We did not try to improve the land, and we did not try to destroy it. That is not our way".

indigenous groups are perpetually in political and legal struggles with settler state and corporate entities, seeking recognition, implementation and protection of indigenous human rights. She describes the relationship between Canada and indigenous groups “as adversarial wherein every right won is through the struggle on the hostile terrain of settler state courts and legislatures” (Green, 2014: 8). Craig Benjamin points out that in Canada, extractivism still happens without the consent of the indigenous groups because “in practice, most consultation does not promote meaningful involvement of indigenous peoples in the actual decision making or ensuring the substantial accommodation of their concerns” (2014: 182). He cites an example regarding a case of a proposed new prosperity mine in British Columbia, where the project proponents submitted a series of excerpts from court decisions that claim that indigenous peoples have no veto (Benjamin, 2014: 183).[14]

Sovereignty-based resource conflicts. To block the unjust expropriation of natural resources within the territories of ex-colonies peoples, UN General Assembly

[14] We can also talk about Sami indigenous peoples who have gained a measure of political recognition in their territories outside of Russia and in Scandinavia, including the Sami parliament, but still struggle for political autonomy and land rights (Green, 2014: 5). The powers exercised by the Sámi Parliament (and the powers vested in it) are, in other words, regulated by laws over which the parliament itself has no control. Its actual political forces have been delegated from the state and can thus be unilaterally revoked by the state (Mörkenstam et al. 2021). In effect, bodies for indigenous representation are powerless concerning decisions that regulate their constitutional status (Beckman et al. 2021). As pointed out by Green, Norway, Sweden, and Finland have limited the recognition of indigenous rights to cultural aspects only, with little to no acknowledgement of indigenous land rights (Green, 2014: 5). Despite the establishment of Sami parliaments in each of these countries, they still lack control over their ancestral resources.

introduced the system of permanent sovereignty over natural resources (Gumplova, 2020: 14), which emerged as a legal correction of the injustice of colonial appropriation of natural resources, which consisted of unilateral and ruthless exploitation and dispossession of resources by foreign powers and was linked to violence, domination, exclusion and inequality (Armstrong, 2017: 162; Gumplova, 2020: 17).

Nico Schrijver points out that the principle of permanent sovereignty over natural resources legally protects the state's sovereign power and grants them an extensive bundle of exclusive rights within their territories: "a right to possess, use and freely dispose of the natural resources within its territory; a right to freely determine and control the exploration, development and disposition of these resources; a right to manage natural resources by national developmental and environmental policies; a right to regulate foreign corporations and investors in their activities regarding these resources; and a right to nationalise or expropriate property in resources, subject to the requirement to pay appropriate compensation" (1997: 391). So, from the legal point of view, nation-states' sovereign rights over natural resources within their territories are justifiable on functional grounds as a response to the historical injustice of colonial appropriation of natural resources based on violence, domination, and dispossession of natural resources by foreign powers (Gumplova, 2020: 10). Yet, even if so central in contemporary debates at the global level, this principle can be used to justify states' misuse of their resource sovereignty privilege. As Gumplova also notices, "States' practice regarding natural resources produces many severe injustices such as the case of illegitimate governments using natural resources unjustly and for unjust ends, states failing to distribute benefits and burdens arising from resource exploitation fairly as well as the failures of the state to avoid negative local social and environmental impacts of resource extraction" (2020: 9).

In Africa, for instance, intra-state conflicts over natural resources began after independence from colonial rule and centre on issues around land distribution within a given geographical space (Boone, 2007; Ifeoma, 2011). Klaus Deininger also notes that many states in Africa hide under the establishment of the system of permanent sovereignty over natural resources to "expropriate land without adequate compensation -and for a wide variety of reasons other than the provision of public goods." (Deininger, 2004: 2). It is within this context that cases of states' expropriation of land belonging to indigenous peoples abound in Africa (Lund, 2006). This is also due to the fact that the claims of indigenous groups to exercise control over their ancestral resources are ill-met in a system of permanent sovereignty over natural resources, which gives the states exclusive resource rights.

Even if most of the literature in normative political theory has focused on *colonialism-based resource conflicts* and *sovereignty-based conflicts*, the type of conflicts on which this work focuses deserves a further and more precise account. These conflicts arise, as Armstrong notes in a recent article, because people are displaced of from their location as a consequence of unjust conservation policies (2024: 11). I suggest to call such conflicts *conservation-based conflicts*.

Conservation-based conflicts are defined as "situations that occur when two or more parties with strongly held opinions clash over conservation objectives and when one party is perceived to assert its interest at the expense of another" (Redpath et al., 2013: 1). Redpath and colleagues (2013: 1) further explains that conservation conflicts emerge either when the positions of parties representing conservation interests are threatened by the positions of those holding other views, or when the objectives of conservation are imposed on others, such as when humans are excluded from protected areas or when species of conservation interest have an impact on humans.

Indigenous groups often view conservation as their greatest enemy. As recalled by Dowie, during a United Nations meeting in early 2004, to push for passage of a resolution protecting indigenous peoples' territorial and human rights, one indigenous delegate rose to state that their new and biggest enemy is "conservation" (Dowie, 2009: xvii). Additionally, at a meeting in Vancouver, British Columbia, of the International Forum on Indigenous Mapping, all 200 delegates signed a declaration stating that "conservation has become the number one threat to indigenous territories" (Dowie, 2009: xvii). Then, in February 2008, representatives of the International Indigenous Forum on Biodiversity (IIFB) walked out of a Convention on Biological Diversity (CBD) annual meeting, unanimously condemning CBD (of which IIFB had been a formally recognised member since 1996) for ignoring their recommendations and interests.[15]

It is against this backdrop that, following Dowie (2009), conservation-based conflicts can thus be summed up in the following words:

[15] Their statement reads: "We found ourselves marginalised and without an opportunity to take the floor and express our views,"; "None of our recommendations were included in [the meeting's report]. So, we have decided to leave this process which does not respect our rights and participation" (Dowie, 2009: xvii-xviii).

> From the perspective of states, park officials and wildlife conservationists, the conflict is defined by livestock trespass, illegal hunting, wood theft, and consequent ecological costs such as species extirpation, while for indigenous communities, the conflict revolves around reduced access to ancestral lands, restrictions on customary resource uses, and the predation of wildlife on cultivated lands (Dowie, 2009, xix).

To sum up, this section has presented three types of resource-based conflicts. As the next table shows, each of them may involve different actors, causes and, therefore, justify different normative responses at the global, national or local level.

Type	Normative features		
	Actors	Cause	Level
Colonialism-based	Colonial States Indigenous groups	Acquiring political control over an already inhabited piece of land	National International
Sovereignty-based	Colonial States Ex-colonies	Full sovereignty of ex-colonies over natural	National

	Indigenous groups	resource in their territory	
Conservation-based	Governments Indigenous groups	Disagreement on conservation-practices and land use	National Local

Following a recent wave in the literature, my dissertation recognises conservation-based conflict between indigenous groups and states as a serious resource conflict that needs to be addressed urgently. As others have noticed, conflicts around conservation are often destructive and costly. They not only undermine effective conservation but also prevent economic development, social equality, and resource sustainability (Redpath et al., 2013: 1).

In what follows, I aim to review and evaluate the existing resource-entitlement theories to ascertain whether they can offer compelling responses to address conservation-based conflict.

6. Placing resource use at the core: resource-entitlement theories

As we saw at the end of section 4, existing defences of rights over territory do not automatically "extend to and settle the issue of rights over natural resources" (Armstrong, 2017: 127). Theories that primarily focus on resource use seem thus better equipped to provide us with solid normative arguments to address resource conflicts, and especially *conservation-based conflicts*. In light of this, this section presents different normative resource-entitlement theories. Such theories (enough-and-as-good proviso, efficiency-based, and argument-from-improvement) tend to draw upon Locke's theory of property rights. Locke argues that individuals could legitimately obtain special claims over resources by mixing their labour with the natural objects owned in common (Locke, 1823: 118). Other normative resource entitlement theories, such as the attachment special claims to resources (Armstrong, 2017) and legitimate expectation accounts (Moore, 2015), have no explicit link to Locke or the major traditions in the territorial rights debates.

6.1. Lockean theories of resource use

Enough-and-as-good proviso: This proviso is taken from a passage in Locke's second treatise on government. On this, Locke writes, "labour" being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least 'where there is enough, and as good left in common for others' (Locke, 1823: 116). Individual property holders have rights over all that flows from their labours, including intended products and windfall, provided these holdings leave enough and as good for others (Simmons, 2001: 317). Theorists such as Nine and Simmons agree that such proviso is derived from a concern of fair shares. Simmons, for instance, emphasises that it would be unfair to allow our appropriation of resources to deny others similar opportunities to appropriate. So, people would only be allowed to appropriate resources where there is enough and as good left in common for others (Simmons, 2001: 304).

In the same vein, Nine notes that enough and as good proviso sets conditions on the acquisition of claim rights over resources, most notably property rights (2022: 64). Therefore, "the acquisition of property from common resource domains is legitimate when there is still enough and as good left and more than the yet unprovided could use – for instance taking 100 Liters of drinking water from a large river is permissible if it will not affect the ability of downstream users to continue using the resource" (Nine, 2022: 67). In situations where we think there is unfair distribution of resources or where people think they have an unfair share of resources such that their basic needs or their wellbeing are at stake, the 'enough and as good proviso' gives us a guideline on what should be done. Now, let us consider the resource conflict presented by Moore – "Conflict between the claims of the urban poor, who argue that their poverty should be addressed through exploitation of the natural resources of the Amazon, and the claims of the Amazonian indigenous peoples who are living on huge swathes of the Amazonian jungle, who claim an interest in collective self-determination and for cultural reasons tend to resist attempts to exploit these resources" (Moore, 2015: 85).

The Amazonian indigenous peoples may have collective self-determination over the resource in question, but the claims of the urban poor require attention since their well-being is at stake because of a lack of access to natural resources to satisfy important basic human needs. Drawing from the enough-and-as-good proviso, the claim of the Amazonian indigenous peoples may have to be downsized in the face of other potential users who may have more pressing claims based on basic human needs. Moore agrees with this when she argues that interest in self-determination over resources will be outweighed by the interests of people living in mosquito-infested areas who need the exploitation of the mineral or resource to treat their disease (Moore, 2012: 101).

Now, the question is: can we apply enough-and-as-good proviso to address *conservation-based conflict*? Since this proviso is required only where there is a need for fair distribution of resources, it is not applicable in the case of conservation-based conflicts between indigenous groups and their states. Such conflicts are not so much about distribution, but rather about access. They tend to be rooted in the fortress-conservation approach employed by the states which denied indigenous groups access to their ancestral resources, and a lack of understanding as to whether indigenous groups practice conservation or not (Kennet, 2003).

Arguments from improvement: This argument focuses on justifying the rights of control over improved resources. Improvement-based argument originates from Locke's argument on the acquisition of individual property rights. According to Locke, "it is labour indeed that puts the difference of value on everything; and let anyone consider what the difference is between an acre of land planted with tobacco or sugar, sown with wheat or barley, and an acre of the same land lying in common without any husbandry upon it, and he will find that the 'improvement of labour' makes the far greater part of the value" (Locke, 1823: 122). Miller is well known for insisting that a group must be allowed to claim special rights on an object that they have improved through their labour (2012; 2021). In his view, there is nothing wrong with a group benefiting from the improvement that they and their ancestors have wrought (Miller, 2021: 12). "An individual who makes a carved ship out of widely available raw materials should be entitled to decide what is to be done with the ship (Miller, 2021: 13). According to Miller, improvement yields a strong claim to control and enjoy the improved resource (2021). When the rightful owner of a resource is contested, the proponents of this view would advise that the person who enhanced the resource should claim right over it.

Again, the question is: can we apply arguments from improvement to address *conservation-based conflict*? In the context of conservation conflict, we can argue that if a group in a certain location has improved the health of biodiversity through their various activities, they should be allowed to remain there. In this case, biodiversity in their location, for instance, is the value of their labour, which they should be allowed to enjoy. To displace them means that the value of their labour would be lost. The challenge one may encounter with the argument from improvement is that it is backwards-looking. It emphasises past improvement to ground rights. Focusing on past improvement does not guarantee that the group's future activities will not threaten biodiversity. In other words, we need to know more about the relevance of a group's conservation practices and how such practices will continue to sustain biodiversity now and in the future. Secondly, the argument from improvement is a prime example of the Lockean theory of resource acquisition. Following the Lockean resource acquisition theory, the argument from improvement has historically been used to dispossess indigenous groups of their land by describing their traditional land use as unproductive (Moore, 2019; Armstrong, 2017). In this sense, the improvement argument may likely not account for or address the three interconnected wrongs of conservation-induced displacement of indigenous groups because "improvement" from the Lockean perspective considers indigenous resource management practices as inadequate.

Efficiency-based: Mixing our labour with natural objects owned in common implies making efficient use of them. The efficiency-based argument originates from

Locke's views on acquiring property rights. "God, who hath given the world to men in common, hath also given them reason to make use of it to the best advantage of life and convenience (Locke, 1823: 115). The view of the efficiency-based account is that the efficient use of territorial resources determines legitimate acquisition. As Meisels argues, the benefits of efficient land use are a reasonable consideration in evaluating territorial issues (Meisels, 2009: 100). According to her, when the resource is disputed, we can appeal to the efficient argument to ascertain who can claim the right over the resource in question. Following Locke, she argues that the efficient principle is to be considered a relevant factor in determining the destiny of disputed territorial resources. (Meisels, 2009: 108). Within this framework, in cases of resource conflicts, the agent who demonstrates interest in the productive use of resources may be given a right to that resource because "our normal tendency is to associate use with interest and lack of use with an absence of interest," where lack of use of resource is seen as a proof of lacking any significant interest in it (Meisels 2003: 38).

Once more, the question is: can we apply this view to address *conservation-based conflict*? The first point to address here is the meaning of "productive use". The meaning is subjective. A group that keeps some resources untouched for the purpose of biodiversity protection can be said to be using those resources efficiently (Kolers, 2012). Therefore, in the case of conservation conflict, such a group can rely on their efficient use of resources to remain in its homeland. In this sense, it is wrong to displace a group if they use resources efficiently. However, this is not the only wrong of conservation-induced displacement. The efficiency-based argument is also a perfect example of Lockean resource acquisition theory, which may not address the three interconnected wrongs of conservation-induced displacement of indigenous groups because it is biased against indigenous groups by regarding their traditional land use and management as inferior. By inferior I mean to say that indigenous way of managing their natural environment is often considered unscientific. For instance, Smith and Wishnie claim that if conservation refers to environmental actions, the effect of these actions should be demonstrated (2001: 502). They claim that for a practice to qualify as conservation, it must have a measurable effect in limiting resource harvest or environmental degradation. They therefore challenge the existence of indigenous beliefs around conservation, arguing that they do not constitute evidence for conservation. This view about conservation suggests that indigenous way of resource management and conservation is inferior to modern conservation that is based on empirical science.

6.2. Theories of legitimate expectation

A legitimate expectation-based entitlement account is not derived from Locke's or Kant's theories. It is an argument espoused by Moore to defend indigenous peoples against settler states' use of land that is incompatible with indigenous land use (Moore, 2019). Moore defines legitimate expectation as what is reasonable to expect to happen (Moore, 2019: 93). In her view, an indigenous group can legitimately acquire resource rights for having developed legitimate expectations in land use (Moore, 2019: 93). She explains that "where indigenous groups occupy a land legitimately, they could reasonably expect that access to this land, and to the set of options related to their physical presence there would continue in the future, and it would be reasonable to make future-oriented plans with this context in mind" (Moore, 2015: 93). By legitimate occupation, Moore implies that the indigenous group is the traditional owner of the land which they occupy. In other words, the land was not achieved by coercion or any other act of injustice (2015: 93). In this sense, newcomers or migrants can be allowed to stay on the land, but they cannot be considered legitimate owners of the land. Moore identifies resource conflict that centres on incompatibility of land use. She argues that land uses of indigenous peoples and non-indigenous people are incompatible. For instance, "cutting down trees to create cultivated fields reduces the habitat of many of the animals that the indigenous peoples depend on. Settled farming in enclosed fields is disruptive of nomadic hunting and gathering or slash and burn agriculture" (Moore, 2019: 96). As Moore argues, the presence of non-indigenous groups who might compete for the same animals and fishes and other resources is disanalogous with the indigenous groups whose way of life does not necessarily involve altering the very framework in which people live (Moore, 2019: 96). Moore further argues that "in the settler colonial context, where the use of land or space is contested, and land use is incompatible, compromise is not a fair outcome because the positions were not equal. The indigenous group had a claim to that land rooted in the legitimate expectations argument, which encompasses both the importance of projects and affective attachments and value (Moore, 2019: 97). Moore, therefore, insists that "the partially nomadic indigenous group could object to the arrival of a new group because the groups possession of some land in this area unsettles the indigenous group's plans and ways of life" (Moore, 2019: 93).

In the context of conservation conflict, people's legitimate expectations, such as their plan of continuous access to certain resources, may be disrupted. Based on this, one can argue that a group should be allowed to remain in their land to realise those expectations they have developed in using certain resources. However, this theory may fail to address conservation conflict because it says nothing about the relevance of an agent's sustainable use of resources. While realising certain expectations is important, a look into how agents use resources is crucial to ensure that biodiversity is not threatened. In this sense, legitimate expectation theory faces challenges such as the question of sustainability in resource use. One can reject the legitimate expectations argument based on the unsustainable use of resources (Lo Coco & Schuppert, 2021: 62-63). Legitimate expectations accounts do not provide much insight into how references to some expectation claims to resources can address located life plans that may threaten biodiversity, nor do they offer any information about the relevance of the group's conservation practices.

6.3. Attachment-based theories

Unlike the above theories I have examined, attachment-based theories are better equipped because they account for territorial wrongs of conservation-induced displacement, as we will see later. Armstrong introduces the idea of attachment as a source of special claims over resources. Although attachment-based theory does not owe its origin to either Locke's or Kant's political philosophies, it was first used by Stilz to argue against the wrong of removing people from the places they live (Stilz, 2013). Stilz does not apply the attachment argument directly to natural resources. Instead, she focuses on control over the territory (Stilz, 2013: 335-338). So, while Stilz focuses on the justification of occupancy rights to the territory to argue that individuals must have access to a specific place to be able to carry out their life plans, Armstrong focuses on a special claim to natural resources wherein he argues that it is impossible for individuals to carry out their life plans without having access to a specific natural resource. Attachment-based resources claim ground rights over resources on the close relationship some agents have formed with specific resources, such that continued access to them is significant to their well-being (Armstrong 2017: 113). Hence, resource rights can be granted to a specified agent simply because of some feature of her relationship with that resource; for instance, secure access to that resource is necessary for her ability to pursue her central life plans (Armstrong, 2017: 118).

Armstrong identifies a resource conflict that centres on global interest in developing a resource contained in a region (2017: 127). Using attachment as a special claim to resources, Armstrong argues that developing a set of natural resources to which indigenous peoples are attached can be blocked by indigenous communities where the resources would be destroyed if development occurred (2017: 127). As he further argues, there is a need to care about how people form projects, which often crucially rely on secure access to specific natural resources or become attached to them more generally (Armstrong, 2017: 127). According to Armstrong, "the resources to which an agent is attached should not be considered natural resources from the point of view of justice and hence ought to be entirely immune from programmes of global redistribution" (Armstrong, 2017: 128). For him, that seems to be the only way that attachment-based special claims to resources can be saved from any justice-egalitarian or otherwise (Armstrong, 2017: 128).

Furthermore, while addressing biodiversity crisis, Armstrong notes that unjust conservation policies often lead to conflict, resulting in the displacement of people (2024: 11). He, therefore, raises a crucial concern about people's attachment to places they live and argues that when responding to the biodiversity crisis, consideration of location is crucial, as people typically develop a personal connection with specific location (Armstrong, 2024: 11). According to him, "people are often deeply attached to the places where they live, the distinctive ecosystems they share their lives with, and the specific pursuits that support their livelihoods". (2024: 13). In this sense, removing people from their location and disrupting their located projects signifies a disrespect for their life plans (Armstrong, 2024). Following this, he raises an important question: "How should located life-plans be balanced against general interests in protecting biodiversity?" (Armstrong, 2024: 13).

Notwithstanding its importance and capacity to capture the territorial wrong of displacement, the attachment-based claims seem incomplete. This is because it does not provide much insight into how references to attachment claims can address life plans that may impact biodiversity. Again, placing too strong an emphasis on attachments may open the possibility of overexploiting natural resources. Additionally, forming a close relationship with a given resource implies dependency on that resource for one's well-being or located life plans, which does not entail mutual interaction and reciprocity with natural resources. Furthermore, attachment-based theories do not give us any relevant information about the conservation practices of an attached agent and how those practices are sustained. As can be seen, of all the normative resource-based theories examined, only the attachment-based theories can address the wrong of losing located life plans. Nevertheless, it is still insufficient, as it does not address other wrongs, such as epistemic injustice and the loss of identity. It is on this account that I will explore a different approach to addressing conservation conflicts holistically.

7. Conclusion

The aim of this chapter was to critically assess the existing literature on territorial rights and natural resource conflicts in order to show that, despite a large and pluralistic debate, we still need an account that can account for the multiple wrongs of conservation-induced displacement. I began by examining the key concepts and the different ways in which territorial rights have been conceptualised from the political philosophies of Kant and Locke. Furthermore, I examined the theories that have emerged in the debate on territorial rights and demonstrated that scholars disagree on the particular agent that should hold rights over a specific territory. For some, only the states deserve to hold rights over territory. In contrast, for others, non-statist groups such as the nations, peoples and ethnogeographic communities also qualify to hold rights over territory.

Moreover, I presented different types of resource conflicts. Following this, I highlighted the contributions that scholars of territorial rights have made in addressing resource conflicts and emphasised that, to date, Armstrong is the only one who has attempted to address conservation-based conflicts. Yet, as we shall see in the next chapters, I argue that more needs to be written about *conservation-based conflicts* to provide deeper insights into the multifaceted issues of conservation conflicts and displacement. Attachment-based theories are the best available candidates to account for the nature of conservation-based conflicts and the wrongs that fortress conservation inflicts upon indigenous communities. However, attachment-based theories seem incomplete because the loss of located life plans is not the only wrong of conservation-induced displacement. There may be other wrongs, such as the non-recognition of indigenous modes of knowing and place-based identities. Secondly, attachment-based claims tend to maintain a one-way (person-to-natural resource) orientation that is devoid of agency and non-human elements, and in this way, they make us lose sight of the relevance of cultivating an interdependent relationship with non-human entities. It is based on this account that I shall ameliorate attachment theories by presenting a practice-based approach.

Chapter 3

Developing a practice-based approach to conservation-induced displacement

1. Introduction

In the previous chapters, I have argued that a one-dimensional perspective cannot capture the complexity of the displacement of indigenous groups caused by fortress conservation. Conservation conflicts, we have seen, often lead to the displacement of indigenous groups. This is a problem in its own right. However, it is not the full picture. If we consider the interconnectedness between human and non-human entities at the core of several indigenous approaches to biodiversity conservation, I have also argued that it is possible to assert that the conservation-induced displacement of some indigenous groups can cause three interconnected wrongs: territorial, epistemic and identity-based. In the previous pages, I have also argued that standard responses to displacement, such as monetary compensation and relocation, are insufficient because they do not take into account the fact that indigenous groups cultivate their relationships with specific pieces of lands (and the attached natural resources) over time, generating place-specific knowledge, patterns of knowledge transmission, and a collective identity.

At this stage of my argument, it is, therefore, important to introduce an alternative approach to conservation-induced displacement: a *practice-based approach*. Specifically, in this chapter, building on existing research in forest governance studies, I aim to highlight the fact that conservation can be a situated practice connected with relationships of intergenerational belonging and processes in order to develop a sense of self. My goal is to employ the practice-based approach in Arts et al (2014) to analyse indigenous interaction with nature that can help scholars and practitioners see conservation conflicts and conservation-induced displacement from a new angle. To do so, I draw on Arts et al (2014) to distinguish three fundamental conceptual components (situated agency, logic of practice and performativity) to help unpack the general concept of practice in analytical terms. By situated agency, I mean an actor's social interactions with "others" in a given location. Indigenous agency is situated in interdependent relationships. Indigenous peoples do not see themselves as separate from nature but as participating in an interdependent relationship between humans and non-human species. By logic of practice, I mean informal logic that guides actions or behaviour. In the context of indigenous ecological practice, social norms such as taboos, restraints, respect, and reciprocity can be seen as informal logic that guide interactions with the natural environment. They can be regarded as logic because they are coherent within their social context, but informal because they are not formally codified. By performativity, I mean practical knowledge. In indigenous ecology, knowledge is not theoretical but practical and performative. (In this sense, knowing and doing are inseparable.) For instance, knowledge about hunting is learned and transmitted through practice.

I find these conceptual components useful because each concept captures a different layer of how indigenous harmonious interaction with nature can be sustained (something which attachment theories do not capture). This analysis can help us suggest that it is possible to carry out conservation activities without displacing people whose lives are intrinsically interconnected with nature.

To justify (and illustrate the relevance of) this framework to my analysis of indigenous interaction with nature, I will proceed as follows. In Section 2, I will return to attachment theories, which, as seen in the previous chapter, are among the most influential contributions to the defence of indigenous territorial rights/resource rights. As already mentioned in the previous chapter, this perspective is the best available candidate to account for the wrongs involved in conservation-induced displacements, but it captures just one of the three wrongs. Here, I will show in detail that while attachment can be used to defend or explain the problems associated with the loss of located life plans, it is insufficient in the context of conservation conflict because it tends to overlook the significance of the interdependent relationships between human and non-human beings in their shared environment. As we will see, the concept of attachment involves the one-way relationship (person-to-environment) that some agents have established and cultivated with specific resources.[16] Yet, interdependence is a two-way relationship

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[16]. Of course, an attachment can also be an imbalanced relationship in which one entity always gives more than it receives.

(person-to-environment and environment-to-person) that involves mutual interactions and reciprocity. Building on these observations, Section 3 will introduce the practice-based approach and its three conceptual components, as developed by Arts and colleagues (2014). Through this approach, I aim to give due weight to interdependent relationships between humans and non-human entities within their natural environment. In Section 4 and Section 5, to further illustrate my framework, I will present a case study of conservation-based resource conflicts between the Ogiek indigenous group and the Kenyan State, a prominent case that became the first indigenous rights case to be decided by the African Court on Human and Peoples' Rights (Rosch, 2017: 245). This analysis will allow us to understand how a practice-based approach can be understood not as a radical overhaul of attachment-based theories, but rather as an advancement that adds further elements to highlight indigenous harmonious interaction with nature and describe the multiple wrongs of conservation-induced displacement from the perspective of indigenous groups. Section 6 provides a conclusion.

2. Attachment-based theories: a critical assessment

Indigenous territorial rights are usually defended based on attachments to land.[17] But indigenous groups most often lose their territorial/resource rights in

[17] It should be noted that attachment to land involves a connection or bond between people and their environment or land.

conservation conflicts, and such a loss of territorial rights disrupts their way of being, their indigenous identity. For indigenous groups, losing territorial rights entails losing both control of and access to the territory and its resources. Among the theories that are sympathetic to this indigenous way of being in the context of territorial rights literature, the most relevant for our present purposes are those that defend attachment-based special claims. The relevance of attachment as a special claim to territory and resources cannot be overemphasised in defending either indigenous territorial rights or resource rights. The relevance of attachment as a special claim to territory and resources cannot be overemphasised in defending either indigenous territorial rights or resource rights. Attachment claim plays an important role in explaining why a specific agent should have control over a given territory or why an agent should claim rights over a specific resource. In the text below, I will present and evaluate attachment theories, as presented by Anna Stilz (2013) and Chris Armstrong (2017).

2.1. Stilz: occupancy rights and attachment claims

Stilz (2013) uses attachment claims to territory to defend occupancy rights. Central to her position is the claim that individuals have an important interest in occupying the territory fundamental to their located life plans. Located life plans comprise situated goals, relationships and projects (Stilz, 2013: 341). In her defence of the attachment claim, she (2013: 338) notes, “Some, though not all, people have projects based on a special identification with a unique locality”. For instance, as she (2013: 338) continues, the Taos Pueblo’s religious rituals centre on Blue Lake, the Sioux attribute spiritual significance to the Black Hills, and the mountain culture of Switzerland is focused on the Alps. According to Stilz (2013: 338), these projects are closely linked to attitudes that people direct specifically at the physical objects around them, and it is extremely difficult to keep these projects intact without sustaining people's occupancy of that unique location. For this reason, as she (2013: 339) writes, "the people who live on a territory have important plan-based interests in continuing to occupy that place, and in using it for the located social, cultural and economic practices". Thus, territorial removal is wrong because it dispossesses people of the place that is central to their located life plans and projects. As she (2013: 342) puts it, "removing someone from his territory destroys many of his life plans at once; it harms not just his peripheral plans, but also his most comprehensive endeavours, and his projects tend to be rapidly and thoroughly undermined in ways that are difficult to compensate".

Stilz believes that the interest in located life plans is significant enough to justify imposing duties on others, such as not removing them from their land and not interfering with their use in ways that undermine their shared social, cultural and economic practices. According to her, "if the occupancy of a particular place is fundamental to a person's located life plans, and if he or she has established these plans without wrongdoing, then he or she has a moral right to occupy it" (Stilz 2013: 356). Stilz's emphasis on located life plans could help defend indigenous rights over territory and resources as she notes that "even people who lack legal institutions—like nonstate tribes—can have such moral claims to their territory, and it is for this reason that actions like removal, ethnic cleansing and exile are wrong" (Stilz, 2013: 356).

Despite its importance and capacity to capture the territorial wrong of displacement, Stilz's view seems incomplete. It does not tell us much about the way references to attachment claims can handle located life plans that may threaten biodiversity. It does not tell us much even about the collective relevance of conservation practice. These are important practical and philosophical issues. First, too strong an emphasis on attachments could create the possibility of overexploitation of natural resources. Second, forming a close relationship with a given resource implies dependency on that resource for one's well-being or located life plans, but it might not entail a process of mutual interaction and co-dependency.

2.2. Armstrong: attachment and natural resources

Armstrong (2017) describes an attachment position that focuses mainly on the connection between located life plans and natural resources. According to Armstrong (2017: 113), attachment involves "the close relationship which some agents have formed with specific resources". Hence, resource rights can be granted to a specified agent simply because of some feature of his or her relationship with that resource. For instance, secure access to that resource is necessary for his or her ability to pursue central life plans (Armstrong, 2017: 118).

In his argument on attachment-based special claims to resources, he also focuses on the significance of people's located life plans. According to this author, an attachment-based justification for special claims over natural resources emphasises how particular people sometimes form life plans that depend on their continued access to specific resources (Armstrong, 2017: 116). In Armstrong's view, people can become attached to natural resources in two ways. First, they can be attached to resources accompanied by specific life plans, such as fishing or hunting. Second, they can form attachments to resources without any specific plan regarding those resources. To illustrate with an example, Armstrong explains that an individual's identity can be bound up with an object (such as a river or a mountain) such that its disappearance would cause that individual to feel an enormous sense of dislocation and loss (Armstrong, 2017: 117). In light of this, "razing a forest or removing the top of a mountain might, therefore, count as a setback to someone's well-being, even if she had no discernible plan with regard to feature" (Armstrong, 2017: 117).

Armstrong further argues that people's life plans largely depend on the availability of resources within their physical environment, and these life plans will also demand secure access to specific natural resources (Armstrong, 2017, p. 119). People also form life plans in relation to a specific mode of existence obtainable in their physical environment (Armstrong, 2017: 121). For instance, the Tlingit fishermen pursue that livelihood because of the availability of fish in their physical environment. They have oriented their lives around fishing, developing all the necessary skills. If they are banned from fishing, it will interfere with their life plans. Thus, to deny them access to fish is to deny them the opportunity to sustain their life plans. As Armstrong clearly stated, "where access to specific resources is integral to one's way of life and indeed one's sense of self, it is plausible to say that this generates a prima facie but defeasible claim to continuing access" (Armstrong, 2017: 121). Armstrong identifies a resource conflict that centres on global interest in developing a resource contained in a region (2017: 127). Using attachment as a special claim to resources, Armstrong argues that developing a set of natural resources to which indigenous peoples are attached can be blocked by indigenous communities where the resources would be destroyed if development occurred (2017: 127). As he further argues, there is a need to care about how people form projects, which often crucially rely on secure access to specific natural resources or become attached to them more generally (Armstrong, 2017: 127).

Armstrong supplements the standard attachment-based approach by adding the issue of place-based identity building that can help us progress towards a more complex normative account.[18] As Armstrong puts it, "an individual might love or at least feel deep affection towards a river or a mountain, and even if she has formulated no particular plan with regard to it, she might be devastated if the river were diverted by a dam or the mountain despoiled by mountain top removal mining" (2017: 117). However, in so doing, this tends to maintain a one-way (person-to-natural resource) orientation that is devoid of agency by non-human elements, and, in this way, makes us lose sight of the relevance of cultivating an interdependent relationship over time, even if it means actually using the natural resource.[19] Indeed, attachment-based theories do not give any attention to the idea of interdependent relationships between humans and natural resources. It is one thing to form a close relationship with a resource with regard to one's located life

[18] There is another possible implication of this viewpoint, especially when the resource is left unexploited. Specifically, the unexploited resource can enhance biodiversity outcomes even though the original reason for preserving it is not for biodiversity. For instance, what the Lakota people had in mind when resisting mining the Black Hills was not to save biodiversity but to save the Black Hills, which are part of their identity.

[19] This one-way relationship means this approach is vulnerable to sustainability challenges. For instance, Lo Coco and Schuppert (2023: 63) argue that unsustainable resource use can be a good reason to reject attachment-based claims to control natural resources. As they further explain, any attachment claims to control a particular resource ought to be conditional on the agent in question performing the associated ecological duties. These duties include managing the resources sustainably and not violating the basic rights of others, including their right to a healthy enough environment that provides them with the benefits of life-sustaining ecosystem services (Lo Coco and Schuppert, 2023: 62). On this issue, see also Nine (2022).

plans, it is another thing to interact with such a resource mutually and reciprocally. Because attachment-based theories overlook the interdependent relationships between humans and nature, they cannot account for how located life plans can be balanced against the general interest to conserve biodiversity. When we consider the importance of interdependent relationships, which I have discussed in chapter one, it becomes easy to see that located life plans such as hunting and farming can be carried out alongside biodiversity conservation. This is because participation in interdependency between human and non-human beings is accompanied by mutual obligations to care for the well-being of the non-human entities. It is therefore crucial to say that in addressing conservation-induced displacement, how human and non-human species participate in interdependent relationships should not be overlooked, because such relationships suggest that there is no conflict as such between human and nature. Based on this, I will now illustrate my practice-based approach.

3. Developing a practice-based approach

In conservation conflicts between nation-states and indigenous peoples, it should be noted that the challenge is not a lack of knowledge of how indigenous peoples are attached to their territory and resources or how they depend on continuous access to their ancestral resources for located life plans. Rather, the argument is that nature and people should be separated, because people are too dangerous to be allowed to be part of the landscape and/or because the idealised perfect landscape is conceived to be "wilderness", a place without people (Cronon, 1995; Neumann, 1998; Nash, 2001). The notion that nature can only flourish when sequestered from humans characterises fortress conservation (Luoma, 2023: 93). It is assumed that when confronted with resource management, humans will prioritise sustaining their livelihoods over biodiversity conservation. For instance, overfishing or overextraction of forest resources is often attributed to a problem of human self-interest in resource use. This way of thinking about the relationship between humans and nature typifies the conservation policies of nation-states that impose and enforce fortress conservation on indigenous communities, thereby restricting their access to their ancestral territory and its resources. Within this framework, conservation conflict between nation-states and indigenous peoples would be what Dowie (2009) describes as a story of a good guy versus a good guy. As Dowie points out, both guys care deeply for the planet and, together, can conserve more biological diversity. However, sadly, they have been terribly at odds, mostly due to conflicting views of nature, radically different definitions of wilderness, and profound misunderstandings of each other's perspectives on science and culture (2009: iv).

A crucial point to note is that nation-states and indigenous peoples may have shared interests in biodiversity conservation. However, nation-states follow modernist conservation practices, also known as science-based conservation, which contradict indigenous conservation practices. Science-based understanding of nature and wilderness, and how humans should interact with them, conflicts with indigenous understanding. Policy-oriented and Western understanding of nature and the indigenous understanding of nature and wilderness are fundamentally different. From the perspective of modern conservation policy, human beings are viewed as being apart from and above nature, while from the indigenous perspective, humans are seen as an integral part of the ecosystem (Gadgil and Folke, 1993: 151). According to Gadgil and Folke, policy-oriented science relies on synchronic observations of nature while indigenous understanding of nature is based on diachronic observations transmitted from generation to generation (1993: 151). Following this understanding of nature by the indigenous peoples, their conservation practices are grounded in a series of rules of thumb which were arrived at through a trial-and-error process over a long historical time period (Gadgil, M and Folke, C, 1993). Gadgil and Folke note that this kind of knowledge is difficult for modern policy-oriented science to understand, as it does not necessarily presuppose the search for objectivity through well-grounded methodologies. It is commonly believed that science-based conservationists understand the tenets of conservation, whereas primitive indigenous peoples are often perceived as lacking this understanding (Dowie, 2009: xi). This profound misunderstanding necessitates the imposition of fortress conservation on indigenous communities, resulting in conflict and displacement. Based on this view, indigenous peoples must be removed from their territory for conservation to occur, as it is assumed that they cannot simultaneously exploit resources for their daily lives and conserve biodiversity. To suggest a solution to this issue, I propose to advance attachment theories with a practice-based approach that can account for the territorial wrong, but also for the epistemic and identity-based wrongs.

3.1. Practice-based approach: the main conceptual elements

A practice-based approach, based on normative political theory insights from forest governance studies, aims to account for the ways through which attached agents, such as the indigenous groups presented in Chapter 1, participate in interdependent relationships with non-human species and sustain such interdependent relationships over time—sometimes yielding positive biodiversity outcomes. As we will see, this approach can be helpful in studying conservation conflicts because it recognises that indigenous groups are not only attached to a certain piece of land, but they also cultivate and sustain a relationship with the environment they inhabit and shape.

Practice: I will first define practice as an action or activity that is repeatable, regular and recognisable in a specific cultural context. Based on this simple understanding, the concept of practice can be clarified by referring to, for example, the practice of a chef in a restaurant or a scientist in a laboratory (Arts et al., 2014). In sociology and anthropology, the term practice is adopted as an object of social theorisation. Prominent sociologist Pierre Bourdieu is often called a practice theorist. For instance, Bourdieu uses a theory of practice to argue "contrary to positivist materialism, that the objects of knowledge are constructed, and, also contrary to intellectualist idealism, that the principle of this construction is the system of structured, structuring dispositions, the habitus, which is constituted in practice and is always oriented towards practical functions" (1977: 53). According to that author, to better understand the world, one needs to abandon the views of objectivist idealism and "situate oneself within 'real activity as such', that is, in the practical relation to the world, the preoccupied, active presence in the world through which the world imposes its presence, with its urgencies, its things to be done and said, things made to be said, which directly govern words and deeds without ever unfolding as a spectacle" (Bourdieu, 1977: 53).

According to Bourdieu, it is also important to make clear that social structures such as rules and institutions do not simply "exist" or influence actors "from the outside" but are produced and reproduced in practice in the interaction between actors and structures (Bourdieu, 1977). Hence, when we think of a practice-based approach, it seems important to consider what people do (Galvina, 2017: 100) and to connect "knowing" with "doing" (Gherardi 2008: 518).

The theory of practice has recently been adopted in forest governance research. In the book *Forest and Nature Governance: Towards a Practice Approach*, Bas Arts and colleagues (2014) argue that the two dominant theories in forest governance—rational choice theory and neo-institutionalism—are unable to fully capture the relationship between human capacities and creativity on the one hand and collective action on the other. Because of this, they employ practice-based theory to account for the complexities and contingencies of social life. To evaluate forest governance from a practice-based approach, they begin by defining the term practice as "an ensemble of doings, sayings, and things in a specific field of activity" (Arts et al., 2014: 4). According to them, the "doings" refer to social and society-nature interactions, the tacit knowledge and skills that people employ, and the scripts that they follow, while the "sayings" refer to people, their discursive interactions, and the explicit rules, norms and knowledge that they utter. "Things" refer to materials and artefacts, like rocks and technologies, as well as nature more generally. Accordingly, the practice-based approach to forest governance emphasises the importance of the social and material settings in which these doings, sayings and things are situated and through which they are brought into being by the particular logic imprinted in such fields (Arts et al., 2014: 5). In order to offer a comprehensive framework to address practices in forest and nature governance, Arts and colleagues (2014: 5) conceptualise "practices" using three distinct elements: the logic of practice (to account for discursive structures and non-discursive routines), situated agency (to account for agencies as being discursively informed and mediated through material objects and events) and performativity (to describe the entanglement of meaning and action following the ideals of symmetry and to account for tacit knowledge) (Arts et al., 2014: 5). In the following discussion, I will further clarify each of these elements in the context of debates about indigenous groups and conservation conflicts.

Situated agency. We should note that the traditional dichotomy between nature and humans, which characterises fortress conservation, is the leading cause of conservation conflict within indigenous communities. This refers to the notion that nature is separate from humans, and as such, indigenous peoples will have to be removed from their ancestral territory for conservation to be carried out because nature can only flourish when sequestered from humans. In such a context, it is assumed, for instance, that overfishing or over-extraction of forest resources is a problem of human self-interest in resource use. Based on this assumption, indigenous-located life plans such as fishing, hunting and farming become questionable practices for both nation-states and global conservationists.

The idea of situatedness illustrates how situated agents engage in interdependent relationships with others, including both humans and non-human species within their shared environment. This interdependent relationship suggests that there is no conflict as such between humans and nature, as it involves mutual interactions and reciprocity. Situated agency emphasises the social dimension of agency: its discursive aspects (language discourse) and its material setting (bodies, artefacts, nature) (Arts et al., 2013). Agents who are situated in a particular physical space interact mutually with both human species and non-human species. For such agents, physical space is not an empty container for such situations, as subjects actively engage with the space and establish relations with it (Kirsh, 1995). Hence, situated agents do not live in isolation, they interact interdependently with others in their environment. This, therefore, challenges assumptions made in rationalist accounts, which describe human agency in terms of individuals operating strategically (Arts et al., 2014; Bevir, 2005). Humans and non-human entities are jointly situated within the environment in which they live, and their interdependent interactions are fundamental to their flourishing. The idea is that human and non-human beings should be seen as beings in communal or harmonious relationships, sharing a way of life with other beings and caring for their quality of life, exhibiting solidarity towards both humans and non-humans (Metz, 2024: 213).[20] Therefore, by utilising situated agency, we dissolve the traditional nature-human dichotomy and insist that humans and nature can interact interdependently. This helps us see that in managing conservation-based conflicts, and, by analogy, conservation-induced displacement, it is also important to consider how and to what extent humans and nature participate in an interdependent relationship that imbues a certain piece of land with value.

Logic of practice. Situated agency helps us to understand how indigenous peoples and non-human species can interact within their environment. To further unpack the

[20] The concept of situated agency acknowledges that humans need non-human species, such as plants and animals, for survival. However, this does not conflict with interest in biodiversity conservation because cohabitation between people and wildlife is not antithetical to conservation (Pemunta, 2019: 1047). The idea, here, is that non-human species are seen as species that demand respect. They are often also in a relationship of reciprocity with humans and are not just perceived as resources to be exploited. (Jax, 2023).

concept of practice, applying the work of Arts and colleagues (2014), we also need a conceptual lens, the logic of practice, that helps us study whether there are rules and principles that guide such interdependent relationships and to see that those rules and principles play considerable roles in the practice of conservation within indigenous communities, and that this can happen without reference to formal institutions. Operationally, when we refer to the logic of practice, we should look at how routines and traditions shape practices that guide interdependent relationships between human and non-human species within indigenous communities.

Bourdieu is well known for asserting that practices have an inherent practical logic (Bourdieu, 1977: 86). According to him, practical logic can organise all thoughts, perceptions and actions by means of a few generative principles (Bourdieu, 1977: 86). The logic of practice acknowledges that there is always some logic implied in any (social) action—for example, in terms of intentions, knowledge, bodily movements or routines—but that such logic does not necessarily follow a pre-designed and general model, theory, rule or plan (Arts et al., 2014). In other words, logic is internal to practice, not externally imposed by a formal structure, rule or institution (Arts et al., 2014). As Art and colleagues (2014) further explain, practical knowledge, local understanding, routine behaviour and collective sense-making might all contribute to the patterning of social practices by means of a limited number of generative principles, but this is not to be misinterpreted as following a master plan, being guided by an invisible hand or subjected to authoritative rule. A logic of practice, therefore, does not readily conform to institutional boundaries or scales but is instead constituted in a field of practice that has formed historically in time and space.

Performativity. According to Arts and colleagues (2014), performativity highlights the productive relationship between meaning and action and helps flesh out more practical forms of tacit knowledge. Performativity also implies that knowledge can be performed through improvisation and gives rise to social change from within a practice (Behagel et al., 2017). As such, knowledge is considered an aspect of practice and does away with the classical notion of representation that views language, science and knowledge as mirrors of nature's and society's realities (Brown, 2009). Performativity highlights the idea that knowledge does not need to show itself merely in the form of discourse. Rather, ways of acting upon the world can also be seen as tacit forms of knowledge (Polanyi, 1966). Finally, performativity focuses on how discourses and knowledge are shaped, produced and reproduced in context-specific interactions and interpretations (Behagel et al., 2017).

The conceptual element of performativity helps to draw attention to indigenous ecological knowledge as tacit knowledge and the role of such knowledge in conserving biodiversity. It equips us with the necessary lenses to recognise indigenous ecological knowledge in designing conservation plans. Even though indigenous knowledge may be unscientific, the place-based knowledge within such communities must not be dismissed when conservation plans are designed. Indigenous knowledge has the potential to identify changes undetected by Western science, including in-depth, place-based observations of environmental change over greater time scales than Western science allows (Menziesa, 2022: 510). Recognising place-placed knowledge is essential in designing conservation plans because biodiversity loss usually starts in a particular place.

3.2. Situated agency, logic and performativity in practice

In the remainder of this section, I aim to provide insights into how a practice-based approach can inform our approach to the study of indigenous groups, conservation, and the wrongs of conservation-induced displacement. While I have borrowed the ideas of the conceptual components of practice from Arts et al. (2014), my analysis with these concepts differs from that of Arts and his colleagues. Arts et al (2014) use these conceptual components (situated agency, logic of practice and performativity) to analyze forest governance. Using these concepts, they argue that forest governance is not just about formal rules, actors and institutions, but also everyday practices through which such governance happens. In contrast to their analysis, I employ these conceptual components of practice to analyze how indigenous groups interact interdependently with nature within their locations and how such interactions are sustained.

Situated agency. To start with, indigenous peoples are situated agents whose conservation practices are also situated. These practices are situated in the sense that they are embedded in the social, cultural and moral milieu of those particular communities and bound by space and time (Agrawal, 1995: 19). Situated practice suggests that a specific practice may not have the same consequences outside the concrete settings where it is performed. We may know that certain practices can enhance biodiversity, but this does not mean such practices can be successfully carried out in other areas or regions. For instance, a successful conservation practice in territory A may fail in territory B, as in the case of anthropogenic disturbances.[21]

[21] It has been noted that anthropogenic disturbances such as clearing small patches of forest, low-intensity burning, soil modification and moderate levels of predation can produce

The situatedness of indigenous conservation practices implies that such practices have a significant social context, and such social relationships are not separated from relationships between humans and non-human entities (Berkes, Folke, and Gadgil, 1995).

The logic of practice. The logic of practice enables us to explain the historical and social context in which indigenous peoples sustainably used their resources while conserving biodiversity. It reveals relationships between community well-being and ecological integrity. In utilising the logic of practice, we can discover that indigenous groups did not lack agency to control others' behaviours in resource use. In the context of conservation conflict, the logic of practice shows that what is needed to protect biodiversity should not be determined without considering how people live and see themselves engaging in the practice of conservation. To avoid constant conflict and resistance around conservation, we must recognise the historical and social context in which indigenous peoples have managed their environment, establishing norms and rules. The social norms, rules and principles that guide this social relationship and its consequences are meaningless outside the concrete settings where they are applied. In their conservation practices, they follow the rules rather than violate them, as the social repercussions may be too costly.

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positive biodiversity outcomes (Smith and Wishnie 2000; Pineda, 1991; Delcourt & Delcourt, 1997). Nevertheless, introducing periodic burning in areas or regions where vegetation is not adapted to this disturbance may have irreversible effects, including the extinction of some plant species (Smith & Wishnie, 2000: 499).

They prefer to act according to the rules because there is a social consequence to violating the rules. So, rules of thumb exist as social restraints yielding to indigenous conservation practices, which protect some habitat patches like forests, mountains and rivers (Berkes, Folke, and Gadgil, 1995).

For instance, in some cases, some areas are designated as sacred to achieve conservationist outcomes, and social restraints are applied to protect those areas. Rules protecting sacred areas were strict and numerous and followed a consistent pattern, though they varied over space and through time. A sacred space was a space "set aside and often walled to mark the boundary between the holy and ordinary spaces" (Hughes, 1984: 169) and usually contained groves of trees and springs but could include mountain tops or other features. Within such spaces, the environment was preserved in its natural state. Sacred enclosures were wilderness areas protected by change from human beings. However, they were also used for worship and were supervised by local authorities (MacDonald, 2003). Sacred spaces assume numerous forms, from landscapes and the physical features they contain to individual trees seen to be the resting place of ancestral spirits (Behera & Pfeffer, 2008).

Sacred groves have contributed to the conservation of biodiversity. For instance, the regular presence of keystone species such as Ficus in sacred groves and as individually sanctified species suggests some appreciation of such species' ecological importance by the groups assigning such protection (Behera and Pfeffer 2008: 15). Even though sacred groves are human artifacts and have much historical, symbolic and socio-political significance, they also have ecological significance (MacDonald, 2003). Chouin, for example, argues that "sacred groves were devices created to maintain social order by managing conflict and protecting society from a range of threats" (2002: 39).

Based on this view, sacred spaces are artifacts that emerge from human action to explain the world around them. In many cases, the profane events that have given rise to the creation of sacred space are forgotten, but the ritual activities that are common to them persist. These rituals are rich sources of history, because they serve as conservatories of the past. They also provide insight into the role of sacred spaces in maintaining social order, for "whichever groups control the groves and their rituals, also have control over the production of truth and, ultimately, over power" (Chouin, 2002). Chouin's observation is important, as it points to the relationships between sacred space, authority, environmental regulation and community reproduction (MacDonald, 2003). It also highlights the importance of particular human ecological features such as forests in community survival. It reveals how the dynamics of the sacred groves (for example, their periodic decline and re-emergence) can be related to the changes in the socio-cultural realms of society.

Performativity. We know that knowledge is crucial in designing and implementing conservation plans, whether within nation-states or at international level. However, indigenous knowledge is still not given recognition and legitimacy in such conservation plans. Despite the praise and admiration given to indigenous knowledge, governments and conservation organisations still prioritise scientific knowledge over indigenous knowledge in conservation plans (Gautam, 2019: 3). Indigenous knowledge is still underrepresented in the discourse surrounding climate change impacts and particularly solutions for the future (Menziesa et al., 2022: 510). Moreover, the veracity and/or legitimacy of indigenous knowledge is frequently questioned until it is “confirmed” by Western science (Brook & McLachlan, 2005).

As with every form of tacit knowledge, indigenous ecological knowledge faces challenges, such as being considered unscientific or primitive. It is usually labelled as unscientific because even though the knower knows how to do a particular thing, he or she cannot formulate the rules in a way that would satisfy a physicist (Collins, 2021: 116). Indigenous ecological knowledge is generated in the immediate context of people’s livelihoods (Agrawal, 1995: 25). It is often closely rooted in human survival and relationships between people and nature (Reid *et al*. 2020). It is a kind of knowledge accumulated through a long series of observations transmitted from generation to generation. Where they have depended, for long periods, on local environments to provide a variety of resources, indigenous people have developed a stake in conserving and, in some cases, enhancing biodiversity (Gadgil & Folke, 1993: 151).

For instance, in South American communities, shamans often initiate taboo by prohibiting the killing of certain animals in restricted areas whenever they think a species is suffering significant population decline (Reichel-Dolmatoff, 1976). Shamans also play a role in regulating extraction activities by directing harvesting tasks in particular ways. Rival, for example, in her discussion of the ecological practices of a Huaorani group in Amazonian Ecuador, describes a situation in which the interaction of particular technologies (blowpipes), management practices based on the notion of natural property, and the need to share resources with non-human species, contributed to a predictable and reliable environment (2002). Rival also describes how shamanic practices have contributed to the well-being of animals and their habitat through a human connection to jaguars, a keystone predator.

To sum up, in this section, I have applied a recent trend in forest governance studies to adapt the practice-based approach to the study of conservation conflicts and conservation-induced displacement. As the table below shows, each conceptual element makes us see a particular aspect of the conflicts and connects with one or more wrongs. These elements enrich the standard attachment-based approach and recognise the significance of social relationships and the interdependence of human and non-human species.

Practice			
	Definition	What we should study	Wrong
Situated agency	An actor's social interactions with "others"	Relationship of interdependence	Territorial / identity-based
Logic	Informal rules (institutions) that guide behaviour or action	Informal rules and norms	Epistemic / identity-based
Performativity	Practical knowledge	What is considered as practical	Epistemic / identity-based

		knowledge by the relevant group	

In the following section, I will illustrate how a practice-based approach can advance attachment-based theories and discuss in depth the case of the Ogieks introduced in chapter 1.

4. Conservation conflict and conservation-induced displacement: a case study

The Ogieks are a group of hunter-gatherers who have lived in the Mau Forest in Kenya since well before colonial times (Klopp & Sang, 2011: 125; Rosch, 2017: 245; Altincelep, 2023: 81). Their traditional livelihood was based on wildlife hunting, beekeeping and gathering plants as foods and medicines from the Mau Forest (Albertazzi et al., 2018: 11). The Ogieks had a greater attachment to the Mau Forest, which they regarded as their ancestral home (Kiprono, Kalekye & Wafula, 2024: 128), and were the caretakers of the environment on which they depended. As Claridge points out, “Ogiek” means “caretaker of all plants and wild animals”. They had a unique way of life that was well-suited to the forest. To them, the Mau Forest was home, school, cultural identity and way of life that gave the community an essential sense of pride and destiny (Claridge, 2017: 3). The survival of the ancient Mau Forest was, therefore, inextricably linked with the survival of the Ogiek (Claridge, 2017: 3). The social structure of the Ogiek was patriarchal, with various hierarchical structures composed of elders in a council ((Kiprono, Kalekye & Wafula, 2024: 128). Among the Ogiek people, interaction with the environment, including the use and control of forest resources, reflects a gendered perspective

(Kiprono, Kalekye & Wafula, 2024: 128). While Ogiek men hunted and harvested honeycombs, Ogiek women collected vegetables, berries, medicine, firewood and fibre for weaving baskets (Odour, 2004: 32).

The Mau Forest is the largest remaining near-contiguous block of montane indigenous forest in East Africa (Joseph, 2001: 113). It covers an approximate area of 350,000 ha, and is situated about 170 km northwest of Nairobi, stretching west and bordering Kericho District and Narok District to the south, Nakuru to the north, and Bomet to the southwest. The forest is divided into seven blocks referred to as South-West Mau (Tinet), East Mau, Ol'donyo Purro, Transmara, Maasai Mau, Western Mau and Southern Mau. These seven blocks merge to form the larger Mau Forest complex. The Ogieks are said to be scattered all over the seven forest blocks (Joseph, 2001: 113). The Mau Forest is paramount for various reasons. It serves as a catchment for rivers west of the Great Rift Valley and provides ecosystem services for Kenya and the entire region (Klopp & Sang, 2011: 125). The Kenyan Government also claims that the forest is important to Kenya's tea, tourism and energy sectors (Klopp and Sang, 2011: 126). The Mau Forest is also the ancestral homeland of the Ogieks (Albertazzi et al., 2018: 11; Klopp and Sang, 2011: 126). For these multiple overlapping interests, how the Mau Forest should be managed has been the cause of conflict between the Kenyan Government and the Ogiek people for a long time.

The Ogieks have a long history of struggle and resistance aimed at preserving their ancestral land, means of subsistence, identity and cultural distinctiveness (Altincelep, 2023: 81). It is important to note that the arrival of the British settlers in Kenya was an important marker in Ogiek history. The Ogieks began to be displaced from the Mau Forest by the Colonial Government in 1911, 1926 and 1932 (Albertazzi et al., 2018: 11). In the 1930s, the Mau Forest was declared crown land, and it was made a natural reserve in the 1940s. It was officially gazetted in 1954 as a forest reserve under the Forest Act (Joseph, 2001: 113). Moreover, some of the Mau Forest was allocated to white settlers and other tribes ((Albertazzi et al., 2018, p. 11). The Mau Forest, which the Ogieks initially managed, became the site of a struggle between the Ogieks and the Colonial Government, which attempted to control access and introduce modern forestry and conservation techniques (Klopp & Sang, 2011: 127). Throughout this period, the Colonial Government refused to recognise the claims of the Ogiek people to the forest and argued that the ultimate way to deal with them would be assimilation into other communities (Klopp & Sang, 2011: 127). The Ogiek were spread out across Kenya's forests, but they did not fit neatly into the ethnic "reserves" that the Colonial Government created. While the Ogiek had interacted with and, at times, assimilated into the different communities neighbouring the forest, they resisted this policy and continued to live in the forest and claim rights to it (Klopp and Sang, 2011: 128). The Forest Department was unwilling to allow the Ogiek into the forests, and further forced removals occurred. These evictions were met with fierce resistance, which led to a cease-fire agreement among the Ogiek, the colonial administration and the white settlers (Joseph, 2001: 113).

When the Colonial Government ended, the independent Kenyan Government continued marginalising the Ogiek. In 1991, the Government initiated a settlement scheme originally intended to resolve the Ogiek's constitutional land problem. However, this scheme was politically motivated and unsustainable as the beneficiaries, numbering close to 30,000 in total, were mainly from neighbouring districts with good political connections (Joseph, 2001: 119). The ministers, senior civil servants and politicians who were the main actors in this case used their influence to subdivide the Ogiek land and allocate it to their supporters (Joseph, 2001). This has caused constant conflict with the Ogiek, who see the destruction of the forests and the alienation of their lands as a continued threat to their existence (Joseph, 2001: 119). The settlement scheme has not only introduced conflict over land but has also led to environmental degradation. The Government initiated its settlement scheme without conducting the necessary Environmental Impact Assessment (EIA) to measure any possible environmental disasters potentially posed by the scheme (Joseph, 2001: 119). More than 30,000 new settlers, mainly farmers, have degraded and destroyed the environment to pave the way for settlement and farming, with these combined activities having caused several rivers to dry up permanently. This has resulted in conflict with environmentalists who argue that the scheme is unsustainable (Joseph, 2001: 119). The environmentalists have since gone to court to challenge the scheme. In addition, the Ogiek people argue that the new settlers have destroyed thousands of beehives by destroying the environment (Joseph, 2001: 119).

Due to rapid deforestation, the Kenyan Government issued a 14-day ultimatum in 2000 for the Ogiek to evacuate the forests in the name of forest conservation. The Ogiek took the case to court, claiming they were not responsible for deforestation. However, in a judgement on 22 March 2000, in Tinet Ogiek (S/Western Mau) vs the Republic of Kenya, the court ruled in favour of the Kenyan Government (Joseph, 2001: 125). The Government held that the displacement was necessary to save Kenya from a possible environmental disaster. In other words, the environment was being conserved for the good of the country (Joseph, 2001: 125). The Mau

Forest has been an important water catchment area for Kenya's major rivers and lakes, and the available report shows that the Ogiek community has used the area sustainably with no environmental conflict. Joseph points out that before encroachment, the Ogiek lived with all the "forest treasures" intact (Joseph, 2001: 125).

On 12 January 2001, the demarcation and allocation of land in East Mau Forest began again. This was officially announced on Thursday, 4 January 2001, to a group of more than 300 land speculators from other districts, who had gathered in the Mariashoni chief's office waiting for the Government to allocate land to them (Joseph, 2001: 121). For politicians and senior government officials, the settlement scheme was a political arena in which they promised their people land in return for votes (Joseph, 2001). The Ogiek population is not large enough to be politically important in terms of voting strength, and since there is no leader in the Western sense, the Ogiek were marginalised (Joseph, 2001: 122). Their land was then taken away, and they were regarded as squatters in their ancestral lands. Most people who have been settled are supporters of the ruling party, who view the land as a political gift and a reward for voting their party into power (Joseph, 2001: 122).

In October 2009, the Kenyan Government issued a 30-day evacuation [eviction?] notice to the Ogiek community for another forest conservation project, claiming that the Ogieks are responsible for forest deforestation and ecosystem degradation (Focarelli, 2020). In response to the Ogiek evictions, two non-governmental organisations (NGOs) representing the Ogiek community in the Mau Forest—the Centre for Minority Rights Developments (CEMIRIDE) and Minority Rights Group International (MRGI)—filed a complaint with the African Commission on

Human and Peoples' Rights (Rosch, 2017: 245). In 2013, the African Court issued an order imposing provisional measures because the eviction was of sufficient gravity. Since the Kenyan Government failed to comply with that order from the African Commission, the Commission transferred the case to the African Court on Human and Peoples' Rights under Article 84 of the Commission's Rules of Procedure (Focarelli, 2020: 176).

On Friday, 26 May 2017, the African Court on Human and Peoples' Rights (African Court) delivered its long-awaited judgement on the expulsion of the Ogiek people from their ancestral lands in the Kenyan Mau Forest. It was the first indigenous rights case to be decided by the African Court (Rosch, 2017: 245). In that Court, the Kenyan Government, in defence of its actions in relation to the displacement of the Ogieks, invoked the "public" interest of all Kenyans (and their equality, whether indigenous or not), such as the interest in the protection of the ecosystem and the "public" interest of the international community in having all forests on earth protected for the benefit of humankind (Focarelli, 2020: 198). The African Court rejected the public interest concerns invoked by Kenya, including the State's alleged responsibility to protect the ecosystem, public health and public order for the benefit of all Kenyan citizens (Focarelli, 2020: 197). Therefore, as to the public interest justification based on the conservation of the natural ecosystem, the African Court stated that the Kenyan Government "has not provided any evidence to the effect that the Ogieks' continued presence in the area is the main cause for the depletion of the natural environment in the area" and, in any event, the eviction could not "be necessary or proportionate to achieve the purported justification" (Focarelli, 2020: 188). The Court held that the Government of Kenya had violated several of the Ogieks' rights under the African Charter on Human and Peoples'

Rights, including their rights to equality (Article 2), rights to property (Article 14), rights to freedom of religion and culture (Articles 8 and 17), rights to free disposal of wealth and natural resources (Article 21), and rights to economic, social and cultural development (Article 22) (Focarelli, 2020: 184).

Despite the court rulings, Ogiek leaders and international advocacy groups say that displacement and other human rights abuses have continued. According to reports, thousands of Ogiek have been violently evicted since 2017. As recently as July 2020, 100 Ogiek families were removed from the Forest (Lee, 2022). In June 2022, the African Court delivered another landmark ruling that ordered the Kenyan Government to allow the Ogiek to return to their land. The Court stated that the Government's conservation objectives could not be used to justify removing the Ogiek, whom the ruling recognised for their role in safeguarding their local ecosystems and resources (Chebet, 2023). According to the African Court's ruling, Kenya must pay the Ogiek 57,850,000 Kenyan shillings ($492,000) for material damages and 100,000,000 Kenyan shillings ($850,200) for moral damages (Lee, 2022). The decision instructs Kenya to give the Ogiek community titles to their land in the Mau Forest and to consult with them on any future development projects. Despite the court ruling, enforcing the ruling will be challenging because the Court does not have direct enforcement power over the Kenyan Government (Lee, 2022).

As we have seen, the Kenyan Government and the Ogiek people have different interests in the Mau Forest, even if they both care about its conservation. First, the Government's interest is in seeing that its supporters get the maximum benefit from the available resources so that it can get more votes and remain in power (Joseph, 2001). Moreover, the Kenyan Government is interested in the Mau Forest because it is important to Kenya's tea, tourism and energy sectors (Klopp and Sang, 2011: 126). On the other hand, the Ogieks' main interest in the Mau Forest is cultural survival (Joseph, 2001). The Mau Forest is the ancestral homeland of the Ogiek people (Albertazzi et al., 2018: 11; Klopp and Sang, 2011: 126). The fear of being extinct and landless is very painful in the hearts of many Ogieks (Joseph, 2001). These multiple overlapping interests in the Mau Forest have created a challenge in its conservation, leading to the forced removal of the Ogiek.

5. Comparing different possible assessments of the case study

In this section, I compare how the standard attachment-based approach and the practice-based account can evaluate the conservation conflict between Ogieks and the Kenyan government. The goal here is to further clarify the details of a practice-based method and to provide an illustrative representation of how it can work in real-world scenarios.

5.1. Attachment-based approach

Regarding the Ogiek case, attachment theories can be relevant in analysing why the forced removal of these indigenous people from the Mau Forest is wrong. The Ogieks are attached to the Mau Forest, which they regard as their ancestral territory and, as Stilz has argued, individuals have an important interest in occupying the territory fundamental to their located life plans. Stilz's emphasis on located life plans could help defend Ogiek rights over territory and resources, as she notes that "even people who lack legal institutions—like nonstate tribes—can have such moral claims to their territory, and it is for this reason that actions like removal, ethnic cleansing, and exile are wrong" (Stilz, 2013: 356). In her defence of attachment claims, she notes, "Some, though not all, people have projects based on a special identification with a unique locality" (Stilz, 2013: 338). So, "the people who live on a territory have important plan-based interests in continuing to occupy that place, and in using it for the located social, cultural, and economic practices" (Stilz, 2013: 339).

The Ogieks are the typical example of people who have an interest in continuing their occupancy in the Mau Forest because their life plans and identities are linked to that location. Hunting and beekeeping were central to the economic, social, cultural and religious life of the Ogiek. The Mau Forest was the place where Ogiek social and cultural practices took place, where they procured the food they needed, and where their identity was rooted.

Moreover, according to Armstrong, people form life plans in relation to a specific mode of existence obtainable in their physical environment (Armstrong, 2017: 121). We can clearly see that the Ogiek are hunter/gatherers because of the availability of wild animals, bees and forest products in their physical environment. As a hunter-gatherer society, the Ogiek traditional economy and diet rely on hunting animals and harvesting honey produced within the forest. They collected honey in the forest and bartered it for other products from neighbouring communities, such as the Maasai people. This practice provided the Ogeik with sustenance and a valuable commodity to trade with neighbouring communities (Betty and Iteyo, 2023: 275). As Armstrong points out, people's life plans largely depend on the availability of resources within their physical environment, and these life plans will also demand secure access to specific natural resources (Armstrong, 2017: 119). Indeed, the Ogiek life plans largely depend on the availability of resources within the Mau Forest, and these life plans also demand secure access to the products of the Mau Forest. The entire Ogiek belief system and livelihood rely on the forest and its resources, so it is wrong to forcibly remove them from the Mau Forest.

The forced removal of the Ogiek is wrong because it dispossessed them of the place that is central to their located life plans and projects. As Stilz puts it, “Removing someone from his territory destroys many of his life plans at once; it harms not just his peripheral plans, but also his most comprehensive endeavours, and his projects tend to be rapidly and thoroughly undermined in ways that are difficult to compensate” (Stilz, 2013: 342). We can see that the Ogiek hunting practice has been destroyed by forced removal.

Therefore, attachment theories can capture the territorial wrong of conservation-induced displacement. Because the Ogieks are being forcibly removed from the Mau Forest, they are losing their secure access to forest products, which they relied on heavily for their located life plans. This has also resulted in the loss of livelihoods such as hunting and honey gathering. This loss of livelihoods and income has negatively impacted the Ogiek people’s ability to meet their basic needs, including access to food, water, shelter and healthcare. This loss of income is further exacerbated by a lack of alternative livelihood opportunities outside the Mau Forest (Betty and Iteyo, 2023: 278). Since they depend on the forest for their livelihood, eviction has also constrained this, thereby forcing the Ogiek into severe poverty because of the loss of livelihoods, including beekeeping (Betty and Iteyo, 2023: 278).

From the perspective of attachment theories, we can see that the wrong associated with the removal of the Ogiek people consists in the loss of territorial/resource rights, which has made it difficult for them to continue their located life plans. As we will see further below, however, the loss of territorial/resource rights and loss of located life plans is not the only wrong resulting from the removal of the Ogiek from the Mau Forest. There might be other wrongs, such as non-recognition of the indigenous mode of knowing and place-based identity.

In addressing conservation-induced displacement, attachment-based theories fail to account for epistemic wrong and identity-based wrong suffered by the Ogiek indigenous group because they overlook how the sense of interconnectedness shapes how several indigenous groups relate to (and think of) natural resources and biodiversity. The sense of interconnectedness is the understanding that humans and nature are inextricably intertwined; such a mode of knowing promotes interdependent relationships between humans and non-human beings. Participation in interdependent relationships requires mutual obligations to care for each other's well-being. In the case of the Ogiek, we can see that their understanding of human and nature as interconnected shaped their interdependent relationships with the non-human entities, contributing to the sustainable use of natural resources. I will now turn to an illustration of how a practice-based approach would explain the forced displacement of the Ogiek group.

5.2. A practice-based approach

Situated agency. In utilising the sense of situated agency, I will show that the Ogieks embody the characteristics of situated agents. We should recall that "situated", as opposed to individual agency, emphasises the social dimension of agency: its discursive aspects (language discourse) and its material setting (bodies, artefacts, nature) (Arts et al., 2013). Agents who are situated in a particular physical space interact with both human and non-human species.

As situated agents, the Ogiek have an interdependent relationship with non-human species in their natural environment. The Ogiek, commonly referred to as the caretakers of the Mau Forest, have existed for centuries living in a symbiotic and peaceful relationship with nature (Ronoh, 2007: 74). The Ogiek see themselves as jointly situated with non-human species in the Mau Forest and understand their interactions and interdependencies with non-human species as fundamental to their flourishing. For the Ogieks, there is no conception that nature is in one place while man is separate in another (Kiage, 2019: 6). The Mau Forest is said to be maintained and conserved because of the mutual interactions and interdependence that exist between the Ogiek people and their natural environment (Guru & Dana, 2018). Their diverse forms of knowledge, deeply rooted in their relationships with the environment and in cultural cohesion, have allowed members of the Ogiek community to maintain sustainable use and management of natural resources, to protect their environment and to enhance their resilience (Tenjei, 2022: 4). Their deeper understanding of their relationship with the environment has helped the Ogiek cultivate various methods to conserve and preserve the Mau Forest's natural resources. By so doing, they became very successful protectors of the forest (Ronoh, 2007: 74). They understand they have something at stake when the Mau Forest ceases to exist. The Ogiek have a strong moral conviction that the loss of the Mau Forest and its biodiversity would be the loss of the Ogiek heritage (Ronoh, 2007: 69). As a result, the Ogiek indigenous education emphasises the normative and expressive goals whereby their educational theory holds the view that each individual's relationship affects and is affected by that of others and subsequently that of their immediate ecological settings (Ronoh, 2007: 75). Ogiek children learn from an early stage how to interact with and relate to non-human species within their natural environment through their informal education. For instance, in the home, in the field, and during ceremonial occasions, a child was made aware of the relationship that bonds the family, clan and ethnic community with its immediate natural environment (Ronoh, 2007: 74). Therefore, children had to learn about weather, landscape, animals and insect life. Specifically, they learned which kinds of grasses or trees were suitable for which purposes and what had to be done on them to conserve them for future generations sustainably (Ronoh, 2007: 74). They were also taught how to care for the animals within their territorial unit by joining the elders while they performed such responsibilities ((Ronoh, 2007: 74).

The logic of practice. The logic of practice helps capture and make sense of the rules and principles that guide conservation practices within the Ogiek community. The Ogiek employed and adhered to traditional norms and regulations to govern the management of the Mau Forest ecosystem, as well as local norms and beliefs that governed sacred or fetish groves, which prohibited harvesting of forest products and indiscriminate hunting of endangered species (Ronoh, 2011: 66). Among the Ogieks, certain places had special spiritual significance and were used as locations for rituals and sacrifices, such as sacred grooves, shrines, mountains and rivers. These locations were quite often patches of significant biodiversity, which were well conserved and protected by the community (Ronoh, 2011: 58). So, the Ogieks have, over the years, held intact forest patches, wildlife and water bodies and made them sacrosanct through traditional norms and regulations (Ronoh, 2011). The sacredness of water sources is a technique used to enhance the conservation of bodies of water. For the Ogieks, river sources were highly protected sites, and people were not permitted to fetch water from them. For instance, many informants acknowledged that the source of the River Njoro near Nessuit was nicknamed

Kiplulukit by the Ogiek, and there is an extraordinary tale that regarded it as sacred. It was revealed that though it had very clear and clean water, nobody was allowed to drink water from its source, and anyone partaking of it would be struck by lightning ((Ronoh, 2011: 66). It is said that most of the relics in the Mau Forest have survived because they were considered sacred and because of their important veneration roles (Ronoh, 2011: 67). For instance, Tinet Forest, which is southwest of Mau Forest, is still a no-go zone for strangers, and many trees within this natural forest are regarded as sacred ((Ronoh, 2011: 67). The Ogiek considered some animals—such as elephants, lions and gazelles—to be sacred and they were not to be hunted or eaten. They also had family totems, whereby some lineages among the Ogiek were prohibited from eating certain animals, and birds also offered protection (Ronoh, 2011: 67).

The Ogiek had no centralised institutions like chieftaincies or political leaders (Ogot, 1978), such as headmen, and nor did they have written legislation, but they adopted strategies such as decrees of deities and orders from the Council of Elders and heads of families to nurture their conservation ethics (Kiage, 2019: 5). Community members endeavour to abide by the decrees of their deities on the interdependent relationship between them and the environment to avoid incurring the wrath of the gods (Kiage, 2019: 14). The Council of Elders also gives orders restricting the killing of certain animals and the cutting of trees, and limiting access to certain water sources to enhance conservation. People were and are not allowed to kill any female animal of any kind, as they are protected, especially those that are pregnant, older and nursing young. The Council of Elders has the sole right to physically punish violators of conservation ethics (Tenjei, 2022: 20), and any community member who killed these animals was punished by that Council. Animals were thus protected and conserved.

Performativity. Performativity highlights the productive relationship between meaning and action and helps flesh out more practical forms of tacit knowledge. Ogiek people possess place-based knowledge that helps them to sustain the interdependent relationship they have with the non-human species in the Mau Forest. Indigenous knowledge of the Mau Forest ecosystems was learned and updated through observation (Ronoh, 2007: 62). As a hunter/gatherer community, the people employed traditional hunter-gathering methods in harvesting forest products. Ogiek children and youth were inducted into the knowledge of the skilful gathering of herbs without destroying the entire tree, especially concerning removing roots, leaves, stems and bark (Ronoh, 2007: 61). While harvesting forest products such as herbs, they make sure that the trees are carefully chosen and that the bark is carefully removed by experienced, specially chosen elders, and this ensures continued use and regeneration (Barume, 2005; Davis, 2000). The Ogiek traditionally used fire as a major management tool to help regenerate and protect trees by reducing incoming invasive weed and pest species that threatened medicinal plants, wild fruits and important cultural trees in the forest (Kiage, 2019: 11).

When compared to an approach sensitive to practices, attachment-based theories primarily capture the *territorial wrong* of forcibly removing the Ogiek people. But, there has been also an *epistemic wrong*. The forced removal of the Ogiek disrupted their mode of knowing reality as interconnected and the way they participate in interdependent relationships with non-human species in their ancestral land. What then makes conservation-induced displacement of the Ogiek particularly relevant is the non-recognition of the indigenous mode of knowing, the interconnectedness, and how this sense of interconnectedness shapes and promotes interdependent relationships between human and non-human species. The Ogiek do not understand themselves as living independently of nature. For the Ogieks, there is no conception that nature is in one place while humans are separate in another (Kiage, 2019: 6). Rather, they lived in interdependence with nature. This points to the fact that it is not only the loss of cultural rights or loss of located life plans that might be wrong in term of the forced removal of the Ogiek people but also the idea of forcing them to live independently of nature, creating an unnecessary conflict between human and nature, and making it look as if humans are fighting against nature.

And, there has been *an identity-based wrong*. By imposing fortress conservation on the Ogiek, their identity claim is overlooked. By failing to recognise their identity, the Ogiek are said to have been treated wrongly. This sort of maltreatment is a kind of disrespect, which Axel Honneth describes as an injustice, as such a lack of recognition harms the victims by undermining their self-understanding, that is, how they understand themselves to be participating in interdependent relationships with the others (1995). The Ogiek's understanding of humans and nature as interconnected and their participation in an interdependent relationship with nonhuman species constitute an integral aspect of their identity. Through forced removal, the Ogiek people were prevented from sharing their space with other non-human species with whom they had interdependently coexisted in the Mau Forest since time immemorial. The way specific individuals perceive themselves as relating to non-human species in their environment should be respected. Failing to recognise and respect how people understand themselves and how they interdependently relate with the other beings in their location is a moral wrong. Non-recognition does not just show a lack of due respect, it can inflict grievous wounds, saddling its victims with crippling self-hatred (Taylor, 1992: 26). The members of a group can suffer real damage and distortion if the people or society around them mirror back to them a confining, demeaning or contemptible picture of themselves. Indeed, non-recognition is considered a form of oppression on par with injustices such as inequality and exploitation (Theo de Wit, 2018). As Taylor points out, recognition is not a matter of correct form or politeness, but something far more fundamental: a vital human need worth dying for (Taylor, 1992: 26).

To summarise, I believe this comparative assessment of the case study illustrates how a practice-based approach helps us to see that there are many dimensions that should be acknowledged in the study of conservation-based conflicts, and that these numerous dimensions may require institutions to integrate standard relocation and compensation policies with other measures.

6. Conclusion: And so, what?

In this chapter, I have presented a practice-based theory that builds on attachment theories to provide an improved and more complete account of conservation-based conflicts and the wrongs of conservation-induced displacement. I began by presenting the main accounts in the literature. First, I claimed that they struggle to account for the significance of reciprocity and interdependence of human and non-human beings in their environment. I then drew upon recent advancements in the study of forest governance to offer a practice-based approach that can study conservation-based conflicts through the lens of situated agency, logic of practice and performativity. In this way, we develop a viewpoint that can recognise how humans and nature are interconnected and that they participate in interdependent relationships.

But what does it add to the standard balance of interests that govern our evaluation of conservation conflicts? Or, to recall Armstrong's (2024: 13) question, how should located life plans be balanced against the general interest in protecting biodiversity?

We know that when humans treat the habitats of non-human beings as something separate from them, this might prompt the over-exploitation of water, rivers, forests and trees that make up their property in the world (Stephen, 2023). We also know that the forced removal of indigenous people from their ancestral forest usually causes them to develop negative attitudes toward conservation, resulting in increased poaching and unprecedented incidents of natural resources being destroyed, often accompanied by land invasions (Awu, 2011). The moment they are removed from their ancestral land, they develop an uncaring attitude—an attitude that says, "the wildlife is not ours, and therefore, we will not care for what belongs to someone else" (Sibanda, 1995: 73). Moreover, there is evidence that forced removal usually backfires and results in loss of biodiversity. In Africa, the expansion of national parks, game reserves and protected habitats freed from human presence has generally been accompanied by a decline in wildlife (Galaty, 1999; Awu, 2011). For instance, displaced hunters often intensify hunting by returning to the areas from which they were displaced (AWU, 2011).

I believe that the example of the Ogiek people shows that the interest of indigenous groups in located life plans does not necessarily constitute a challenge to the broader social interest, once we understand that a situated agent participates in interdependency with non-human beings in that agent's location. Specifically, in our discussion on how to balance interest in using resources and conservation of biodiversity, emphasising interdependencies between humans and nature means, as Chrisna du Plessis argues, recognising that human beings develop and sustain practices that are an integral part of nature and acting as partners in the process of co-creation and co-evolution instead of being merely users of various ecosystem services (Du Plessis, 2022, 15). We see this in the case of the Ogiek, who have a strong moral conviction that the loss of the Mau Forest and its biodiversity would equate to the loss of the Ogiek heritage (Ronoh, 2007: 69). This very conviction prompted them to act harmoniously and respectfully in their use of natural resources within the Mau Forest before they were forcibly removed. The Ogieks manifested this responsible way of living with non-human species in the Mau Forest through their conservation practices and the transmission of their ecological knowledge from one generation to another.

In other words, as I have tried to show, removing the Ogieks from their ancestral land for the sake of conservation may only superficially provide progress in advancing the general interest in protecting biodiversity, because biodiversity is also the result of practices, knowledge and informal rules that ensure its conservation over time, and that would be lost if the relevant agents are relocated. From this, I conclude that if we really want to pursue the general interest in biodiversity, we should first recognise that indigenous groups with their located life plans are themselves part of an interdependent relationship with nature that shapes the environment we claim to protect.

Chapter 4

Conservation-induced displacement: a gendered perspective

1. Introduction

In the previous chapters, I have argued that conservation conflicts often result in the displacement of indigenous groups. Given the interdependent relationships and the interconnection between human and non-human entities, I have argued that the conservation-induced displacement of some indigenous groups can cause three interconnected wrongs: territorial, epistemic and identity-based. I have claimed that standard responses to displacement, such as monetary compensation and relocation, are insufficient because they do not take into account the fact that indigenous groups cultivate their relationships with specific pieces of lands (and the attached natural resources) over time, generating place-specific knowledge, patterns of knowledge transmission, and a collective identity. To ameliorate standard attachment theories, I have then offered a practice-based approach. This approach, I think, can help us give due weight to the interdependent relationships between humans and non-human entities within their natural environment, and, therefore, make progress in identifying and addressing the wrongs of displacement induced by several projects of fortress conservation across the world. Given that the imposition of fortress conservation – a practice that separates humans from nature on indigenous groups is the major cause of the conservation conflict and displacement, the practice-based approach through its three conceptual components (situated agency, logic of practice, and performativity) offers a solution by first demonstrating the interdependent relationships between human and non-human species within their geographical space, secondly, by addressing the multiple wrongs of conservation-induced displacement. I used situated agency to analyse an actor's social interactions with "the others" in a given location. The idea of situated agency helped demonstrate how situated agents participate in interdependent relationships with the others, that is, humans and non-human species within their shared environment. This interdependent relationship suggests that there is no conflict as such between humans and nature, as it involves mutual interactions and reciprocity. Therefore, by utilising situated agency, we could dissolve the traditional nature-human dichotomy and insist that humans and nature can interact interdependently. This helps us see that in managing conservation-based conflicts and displacement, it is also important to consider how and to what extent humans and nature participate in an interdependent relationship that imbues a certain piece of land with value. The logic of practice demonstrates how routines and traditions shape practices that guide interdependent relationships between human and non-human species within indigenous communities. The conceptual element of performativity helps to draw attention to indigenous ecological knowledge as tacit knowledge and the role of such knowledge in conserving biodiversity.

Nevertheless, I must acknowledge that my emphasis on the capacity of indigenous groups to generate and transmit local knowledge and norms could end up idealising possible in-group injustices, especially considering the fact that many of the indigenous groups mentioned in this dissertation embody a patriarchal social structure. This challenge speaks to a broader problem in the political and philosophical literature on conservation and, more generally, territorial rights. The existing literature on the territorial rights of indigenous groups, for instance, has primarily focused on the collective nature of such rights, leaving aside gender-related discussions (Moore, 2015, 2022; Miller, 2012; Nine, 2012, 2022). Against this backdrop, this chapter will demonstrate that even in the case of conservation-induced displacement, focusing solely on indigenous collective rights provides only a partial picture. While I have devoted time in the previous chapters to discussing indigenous groups in collective terms, it is important to recognise that conservation-induced displacement affects members of indigenous groups asymmetrically, with women, in some cases, suffering double wrongs. This stems from the fact that within several indigenous groups, the gendered division of labour shapes gender differential interests in resource use, thereby creating gendered life plans and gendered knowledge. Yet, they are not given equal attention within the community or in those processes trying to address conservation-induced displacement. And so, a question remains on the table: how can we account for such cases of double wrong? In this chapter, I will argue that a standard attachment-based approach cannot fully address this issue because it tends to emphasise only access to natural resources. In so doing, it struggles to make visible gender differences in resource use and the contribution of women's distinctive roles in conservation practices for biodiversity protection. Unlike standard approaches, I will show that an attachment theory that adopts a practice-based approach can account for gender differences in resource use—and connected with this—the double wrongs women suffer when dealing with conservation conflict and subsequent displacement.

The recognition of the role of indigenous women in shaping conservation practices, however, points to another normative problem that (also) has so far been neglected in the political philosophy of territorial rights and indigenous groups: that is, in groups that have transmitted their conservation practices on the assumption that there is a clear gendered differentiation of roles (women, for instance are those who gather food, cook and support everyday livelihoods), granting indigenous women an equal voice can erode those same practices that my theory is meant to recognise (I will call this problem the twofold objection in the following discussion). Once acknowledged, I will argue that this problem cannot be answered definitively, as it also depends on contextual considerations about the self-perception of women within the group. However, it requires us to give careful consideration to the sort of institutional proposal we advance when dealing with conservation conflicts in ways that must be sensitive to attachments, transmissions of practices and gender differences.

To support my claims, I will proceed as follows: in section 2, I will demonstrate that the academic literature on territorial rights has for the most part overlooked gender-specific issues. In section 3 I will highlight the existence of gender differences within indigenous groups. Section 4 will address the double wrongs that indigenous women may suffer during conservation-induced displacement while showing their distinctive roles in biodiversity conservation within their communities. Section 5 will argue that giving women an equal voice within their communities is crucial so that they can share their perspectives in a process that addresses conservation-induced displacement. In Section 6, I will address the twofold objection. Section 7 will provide concluding remarks.

One caveat is necessary. In this chapter, I use the word "gender" in binary terms (men and women, masculine and feminine).[22] I have chosen to do so because my

[22] I acknowledge that the term "gender" itself is ambiguous. Sometimes it is used in place of sex or of women—or in opposition to them. In most cases, it remains undefined, its meaning assumed to

focus is on women within indigenous communities, where practices are organised along binary lines. In this context, on what it is to be a woman, I agree with Linda Martin Alcoff, who maintains that "women are differentiated from men by virtue of their different relationship of possibility to biological reproduction, with biological reproduction referring to conceiving, giving birth, and breastfeeding involving one's own body" (Alcoff, 2006: 172). According to Alcoff, individuals classified as women have a different set of practices, expectations and feelings with regard to reproduction, irrespective of their actuality. For example, infertile women, post-menopausal women, prepubescent girls and women who have no intention to reproduce still have a relationship to biological reproduction that is different from what males have (Alcoff, 2006). I acknowledge that this definition is vulnerable to

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be self-evident (Duchen, 1994: 227). Although the dictionary suggests that gender and sex are synonymous, feminist theorists believe that the two terms are distinct. As Claire Duchen explains, sex refers to physiology (biology, nature) and gender to culture (society, nurture). In line with this, sex is referred to as male and female, while gender is referred to as masculine and feminine (Duchene, 1994, p. 227). Others argue that gender refers to socially and culturally constructed characteristics of femininity and masculinity, including cultural norms and roles attributed to women and men (2021: 860). To distinguish between sex and gender, Butler argues that "Gender is in no way a stable identity or locus of agency from which various acts proceed; rather, it is an identity tenuously constituted in time - an identity instituted through a stylised repetition of acts" (Butler, 1988: 519). For her, "to be a woman is to have become a woman, to compel the body to conform to a historical idea of 'woman,' to induce the body to become a cultural sign, to materialise oneself in obedience to a historically delimited possibility, and to do this as a sustained and repeated corporeal project" (Butler, 1988: 522). So, "woman itself is a term in process, a becoming, a constructing that cannot rightfully be said to originate or to end" (Butler, 1990: 43). "One becomes a woman but always under a cultural compulsion to become one, and this compulsion does not come from sex" (Butler, 1990: 12). Therefore, what gender means varies between societies and can change over time (Allanana, 2013; Griffin, 2017; Blackwood, 1984).

some objections. For instance, it excludes non-binary people (Kapusta, 2016), and I recognise that non-binary individuals face many challenges in a society structured around binary gender identities (Matsuno and Budge, 2017). However, I focus here specifically on binary gendered practices to the extent that they are directly correlated to the division of labour within indigenous societies, as well as gendered routines and practices of resource use and conservation.

2. Women in the literature on territorial rights: A review

This section examines the neglect of gender in the literature on territorial rights. The neglect of the gender dimension of territorial rights might look like a natural consequence of those theories that treat such rights as essentially group rights pertaining to everyone.[23] However, what is striking is that the same neglect of the gender dimension might be found in liberal theories of territorial rights, which emphasise individual needs and life plans as the basis of such rights.

The discussion about women's lives in the language of rights can feel like a "cold game" (Razack, 1992). Razack uses the "cold game of equality staring" as a

[23] Although gender neutral language, such as group or collective, does not explicitly exclude women, it might not help to capture the fact that even within indigenous groups, there could be cases of discrimination and oppressive practices that prevent women from enjoying equal rights within the group. When "group" or "collective" is used to mean everyone, it can obscure situations where women are genuinely excluded. Gender-neutral language tends to make us overlook the fact that men and women may have different assigned social roles and degrees of access to power and opportunity (Okin, 1989). In her work *Feminism, Women's Human Rights, and Cultural Differences* (1998), Okin emphasises the importance of paying attention to women's social reality—their daily experiences.

metaphor to encapsulate the complexities of social justice and the limitations of rights discourse. So, “the cold game of equality staring” as used by Razack directs attention to the pretence of equality that fails to address entrenched social inequalities and maintains power dynamics. It underscores the tension between rights discourse and the lived experiences of marginalised individuals. In her view, the rhetoric of the right, which underscores individual freedom and autonomy, is one mechanism that helps sustain denial and mask the patterns and consequences of domination (Razack, 1992:1).

Emphasis on individual freedom and autonomy gives the impression that each individual is an autonomous self. This makes it difficult to account for the domination of women by men, since it is assumed that all individuals, both men and women, are free and equal. When we apply this assumption, ways in which gender difference structures specific identities and power relations are continuously ignored. There is also a tendency to overlook how women can be oppressed, even where they appear to have rights equal to men. These ideas reverberate in contemporary debates about territorial rights. Prominent theorists, such as Nine, Stilz, Moore and Meisels, do not acknowledge the fact that women can have distinctive place-based interests and shared life plans within collectives. Specifically, women can have distinctive interests in resource use that shape their gendered life plans, which are often not given equal attention within their communities. Moreover, we know that the protection of individual rights within collectives does not necessarily translate into the protection of women’s rights, or it may not be sufficient due to the frequent prevalence of patriarchal cultural and social norms within their communities (Errico, 2022).

To show how theories of territorial rights fail to account for gender, I will then scrutinise a few theorists whose justification of territorial rights is based on liberal principles and argue that the way they have framed their arguments does not help us understand that women have distinctive place-based interests that shape their shared life plans within collectives. To start with, Meisels begins her liberal justification of the territorial rights of nations by affirming that such rights are "grounded in the significant interests of the individual members comprising the relevant national group" (2009:59). She claims that granting territorial rights is necessary to preserve individual identity, which is intertwined with the group's cultural identity. She further points out that every individual has an overriding interest in preserving his or her identity, which would mean preserving his or her way of life. Yet, one may wonder, what type of identity can women develop in a community structured around oppressive norms? This question is essential because, as extensively investigated in the literature on multiculturalism, some minorities specifically desire the ability to reject liberalism and to organise their society along traditional, non-liberal lines (Kymlicka, 1989). Some cultures oppress their women and also socialise these oppressed women into accepting their designated cultural status. In the eastern part of Nigeria, women even criticise their fellow women who question the customary law that does not allow women to own or inherit property.[24]

[24] There is no written evidence of this claim, but it is my experience as a Nigerian from the eastern part of the country. Many women in my community, even to this day, believe that any woman who challenges the rules of property distribution, which only favour men, will incur the wrath of the gods. On the issue of ownership of and inheritance of land in
Nigeria, see Land Grab, Property Rights and Gender Equality in Pluralistic Legal Orders: A Nigerian Perspective (Nwapi, 2016).

In her defence of the rights of national cultures, Meisels only emphasises the individual right to express one's culture or identity. However, recognising an individual's right to express his or her culture or identity does not necessarily translate into recognising an individual's experience and rights as a person, because there is more to an individual than cultural identity. In other words, we must speak about groups' rights in a way that equally supports both the experiences of group members and each person's rights (Zardo, 2013).

Let us now turn to the work of Cara Nine. In the view of this author, the protection of individual rights and needs is paramount in the justification of territorial rights. According to Nine, granting the right to territory is required to meet the basic needs of individuals (2012:27). Nine states that jurisdictional authority is morally required to secure access to basic individual needs such as security, fundamental property rights, and education (Nine 2012:48). Now, let us consider these essential individual needs more practically to understand the realities of the individual women. In some social environments, like indigenous groups, it is not rare to find deeply unequal property rights, unequal vulnerability to violence, and denial of educational opportunities based on gender. For instance, in many indigenous communities, women have unequal access to and control of natural resources in their communities (Zardo, 2013). There are gender disparities when it comes to access and control over natural resources, and women are mostly subject to more limited options. Access to natural resources is mainly based on rights held by a male head of household. For instance, within customary collective land tenure systems, women only gain access to land and natural resources through a relationship with a male relative, such as a husband or a male member of their native lineage or father. As a result, they are rarely compensated for their losses in the event of land dispossession. Moreover, they lose access to land if the relationship ceases to exist, such as in divorce or the husband's death.[25]

If we look at the work of other influential scholars of territorial rights, we still find very little analytical work on gender differences within groups with a legitimate claim to hold rights within a territory. Stilz (2013: 329), for instance, argues that pursuing located life plans generally requires individuals to access shared spaces. Moore also defends individual occupancy rights within collectives (Moore, 2022). According to this author, individuals see the land as vital to them not only as individuals, as the locus of their relationships and plans and projects, but also as members of groups that are attached to specific areas, specific bits of land, which form an essential source of the group's identity (Moore, 2022:7). The defence of individual occupancy rights entails the right to access and use a particular space to pursue comprehensive goals. Occupying a particular place is essential to people because it facilitates access to social practices and the physical spaces in which they unfold. Yet, in both Stilz and Moore, the emphasis on individual rights, which may seem to be conducive to an argument for the specific territorial rights of women,

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[25] On this issue, see Andersson (2020), Chu (2011), Errico (2021), Kurebwa (2017) and Nadasen (2012). The misrecognition of women's rights within their groups can have multiple effects, such as preventing them from inheriting land. Even where they do inherit the land, they face various socially determined restrictions (Negi, 2016).

does not translate into an approach that recognises how women are often significantly disadvantaged in accessing and using natural resources (Mokashi, 2021:6; Patricia, 2007:1551).

This overview helps to see how, even in those theories of territorial rights that tend to be sensitive to the claims of indigenous groups, we find very little about the condition and specific demands of indigenous women. In the discussion below, I will demonstrate that there are good reasons to take a gendered approach to territorial rights and conservation-induced displacement.

3. Giving visibility to gender differences within indigenous groups

In this section, I will identify two areas (division of labour and shared interest) in which it is important to recognise gender differences within indigenous groups. These are not necessarily the only relevant areas, but they are those that are more closely connected to a normative discourse on the justification of territorial rights. Recognition of gender differential roles within indigenous communities is relevant to our discussion on conservation-induced displacement. With the analysis of gendered division of labor and shared interest in resource use, we can show how women suffer additional wrong in conservation-induced displacement. As I will later show in the text, due to gendered division of labor and gender differential interests in resource use, conservation induced displacement has differential impacts on men and women. By considering gender differences, we see that conservation-induced displacement is not only about lose of indigenous land or territorial rights, but it also has both differential and disproportionate impacts on women's livelihoods, knowledge, and labour. Therefore, a gender perspective helps to uncover the injustices that would have remain invisible in general analysis focusing only on loss of land or territorial rights.

Division of labour. My goal here is to highlight how gendered division of labour can shape and influence gendered interests within a community. Gendered division of labour is defined as dividing tasks between men and women according to socially constructed gender roles. In specific communities, such as indigenous communities, indigenous women do not consider the gendered division of labour harmful. Many indigenous feminist writers agree that indigenous communities in the pre-colonial era were characterised by gendered labour division, yet women were highly valued within their communities (Kuokkanen, 2009; Hanrahan et al, 2021). In the previous section, I have indicated that by focusing merely on collective interests and rights, we fail to understand how the gendered division of labour influences and shapes gendered interests and rights in a given community. Gendered division of labour occurs when different tasks, roles and responsibilities are assigned to men and women based on socio-cultural beliefs. Within indigenous communities, men and women are often assigned different tasks and responsibilities. This division is guided by gender roles, in which men are expected to perform distinct tasks and responsibilities different from those of women. For some indigenous groups, such as the Mogalakwena in the Limpopo Region in South Africa, women's tasks and responsibilities include cultivating subsistence crops and gathering vegetables and fruits, while men are responsible for livestock production (Rankoana, 2023). This group relies on agricultural production for its livelihood. However, as can be seen, even though the group is known to engage in agricultural production, each gender is assigned different tasks and responsibilities, which both genders are expected to fulfil within the group. For some other indigenous groups, such as the Ogiek in

Kenya, it is the men who hunt wild animals and collect honeycombs, while the women gather vegetables, berries, medicine, firewood and fibre for weaving baskets (Odour, 2004: 32). This group is known as hunter-gatherers, yet within the community, men and women are assigned different tasks and responsibilities. The gendered division of labour contributes to explaining why women in specific indigenous communities are responsible for collecting firewood or gathering plant-based foods while men are mostly engaged in hunting, for instance. This is not to say that men may not go to the forest to collect firewood or that women may not hunt wild animals. However, the point is that in most cases and at most times, women are expected to be engaged in a specific task, even if they can perform roles assigned to men. There is also an understanding that specific roles may be assigned to women because they require less physical strength to perform, such as collecting firewood or cooking, while men are expected to perform specific tasks because they require more physical strength to carry out, as seen in the case of hunting wild animals.[26] This illustrates that in addition to gendered roles being influenced by socio-cultural factors, physical strength is another factor that influences the tasks of each gender. However, one might think that consideration for physical strength is based on a stereotype where women are considered weak while men are strong. What seems to be common across indigenous groups is that indigenous women's assigned roles and responsibilities involve performing subsistence tasks, while men's responsibilities involve those tasks that can (and must) generate income. This division influences how women and men access and use resources within their communities. For example, women's tasks, such as collecting firewood, may

[26] On this issue, see Bitzer et al (2024).

require indigenous women to visit the forest daily, but the collection of firewood usually involves gathering dried twigs. In contrast, men's tasks may not require visiting the forest frequently, but collecting timber involves cutting green trees.[27]

The shared interest of women. A defence of collective interests in resources also does not necessarily translate into a defence of women's shared interests within groups. It is essential to recognise that men and women can have distinct interests in resource use, and focusing solely on the collective interest of a group can overshadow women's shared interests.[28]

For a long time, feminist scholars have debated whether women have specific interests that are different from those of men.[29] They have theorised women's interests along three lines: women's interests as related to the private sphere,

[27] On this issue, see Agarwal (2010).

[28] I have focused on women's shared interests. Yet, this does not mean that all women will share interests within the same group at all times and for all purposes, and there could very well be a conflict of interest among women even in the same group. However, asserting women's interests in a particular context enables challenge when men make laws and allocations or formulate policies based on their image of what suits women (Vickers, 2006).

[29] The term interests can easily be misconstrued to mean self-interest. It could also be misinterpreted as possessing solely individualist connotations. Benditt (1975) offers two accounts of interest to address this understanding of interests. In his view, there are two views of interest: subjective and objective. While the subjective view of interest is central to people's feelings, attitudes, desires or demands, objective interests are not dependent on a person having certain feelings, attitudes, desires or whatever, or on that person making demands (Benditt, 1975).

women's interests concerning labour market and welfare state policy, and strategic interests deriving from the analysis of women's conditions of subordination (Meyer, 2003; Molyneux, 1985; Karen, 2014).

Early feminists claimed that women everywhere have the same interests. By arguing this point, they universalise, subsume and erase the differences that exist among women; that is, they fail to recognise the existence of diversity among women. In feminist literature, this idea has been debated and challenged with the introduction of the concept of intersectionality to show that differences exist among women (Yildrim, 2022; Christoffersen, 2024; Smooth, 2011; Lépinard, 2014). Intersectionality has been adopted as the preferred term to refer to and to analyse multiple axes of oppression in feminist theory (Lépinard, 2014: 1). Women's lives are as much shaped by the development gap between rich and poor countries, by nationalism and by class, sexual orientation, race or caste divisions within countries as by gender and reproductive differences (Vicker, 2006). Discussing the interests of women in this day can be seen as ignoring differing sexualities among women, implicitly giving preference to heterosexist, binary notions of gender, and erasing alternative sexual experiences (Weldon, 2011).

For this reason, some feminist writers reject the idea that women's interests can be formulated and represented based on the belief that the politics of women's interests will be based on essentialism (Vicker, 2006). To overcome this problem of assuming that women everywhere have the same interests, Jhappen suggests a context-dependent approach that she calls contextual essentialism or strategic essentialism (1996:53). Jhappen explains that strategic essentialism sees identity as a function of context and allows us to stress one or more aspects of our identities according to the axis of oppression at issue in particular situations without necessarily tying individuals to a specific identity for all times and purposes (1996: 53). Indeed, we can address women's interests without claiming that each woman's experience is the same everywhere and in all cases. The fact that interests might vary among women does not negate the claim that interests are gendered (Agarwal, 2010). As Philips (1995: 68) puts it, "the argument on interest does not depend on establishing a unified interest of all women; it depends rather on establishing a difference between the interests of men and women" (1995:68). In the same vein, Agarwal argues that women can have shared interests based on everyday experiences that cut across class privilege or deprivation (Agarwal, 2010). This shared experience can come from several factors, such as a system of norms that makes it a task for women to take care of housework and children and collect firewood and water in rural communities (Agarwal, 2010). According to Agarwal, this shared vulnerability can define areas of common gender interests, and public policies that address them would benefit all women. Access to forest products, legal equality in property rights, and clean cooking fuel are some of the many policy issues in which women can have a common interest, irrespective of their social or economic position. Thus, when women find common ground on specific issues and can articulate shared objectives, women's interests become a necessary and powerful political tool for women's actors (Vicker, 2006).

To sum up, in this section I have argued that there are at least two areas that deserve the attention of scholars working on territorial rights and conservation: the fact that within indigenous groups there might be a gendered division of labour, and the fact that within indigenous groups women might have otherwise neglected shared interests. These two facts should shape our approach to the condition of indigenous women in conservation conflicts and conservation-induced displacement. This is the context in which I will reconsider a practice-based approach to attachment theory in the discussion below.

4. En-gendering the practice-based approach

In Chapter 3, we saw that attachment theories tend to focus on place-specific connections with natural resources. In so doing, they fail to demonstrate that men and women may interact with resources differently because of gender differential interests in resource use. We should recall that Armstrong's attachment-based theory focuses on ways in which individuals develop life plans that rely on continuous access to specific resources (Armstrong, 2017). These individuals can be men or women, and their pursuit of life plans depends on their ability to access a specific resource. To deny these individuals, whether men or women, access is to interfere with their located life plans. Although attachment-based theory emphasises individuals' access to resources, it does not demonstrate the differences in how an individual man or woman interacts with a specific resource. The theory does not let us know that there is the possibility that men and women can relate to resources differently due to the gendered labour division that assigns a specific task or role to each gender. Identifying gender differences in resource use is crucial because it can help to give a proper account of gender inequality within a collective. Therefore, attachment-based theory cannot address the double wrongs that women may encounter in dealing with conservation-induced displacement because it is blind to possible gender differences in resource use. Additionally, it does not show us women's distinctive roles in biodiversity conservation through their specific interactions with natural resources. In light of these observations, I will now show how the three conceptual elements of the practice-based account (performativity, situated agency, and the logic of practice) can help us overcome these limitations and obtain a more nuanced perspective on conservation-induced displacement.

Performativity. Previously, I emphasised that indigenous knowledge is not scientific but based on people's "lived experience". Indigenous ecological knowledge is produced and reproduced through people's daily activities, including using natural resources. Even though all indigenous groups contribute to generating this knowledge, ecological knowledge within indigenous communities is gendered. The differences in men's and women's interactions with natural resources generate gendered knowledge on the use, management and value of natural resources and biodiversity (Granat and Boyer, 2021: 8). Women's ecological knowledge is related to their roles and responsibilities as household managers, plant gatherers and seed custodians, which often means that they engage more intensively in the protection, management and use of agricultural and forest resources than men (Granat and Boyer, 2021: 8). Thus, women's ecological knowledge develops through their frequent interactions with resources. Given women's roles and responsibilities as the providers of family subsistence, they frequently visit the forest for plant gathering and the collection of firewood. Their ecological knowledge is therefore produced and reproduced by managing the interface between domestic and wild edible and medicinal plant species (Granat and Boyer, 2021: 9). As indicated, women are not the only gender contributing to the production and reproduction of ecological knowledge in their communities. However, the point is that gender differential interests in resource use influence gendered knowledge. Indigenous ecological knowledge takes decades to develop and is often handed down from generation to generation. Losing indigenous knowledge to displacement constitutes a wrong to the entire indigenous group. More specifically, it is a double wrong for the indigenous women because they are often referred to as the repositories of knowledge within their communities (Agarwal, 2010).

Situated agency. As situated agents, men and women interact with natural resources differently, influenced by their gendered roles and responsibilities. Given the gendered labour division, women may engage with resources such as fruits, fodder, firewood and non-wood products, while men may prioritise natural resources that provide timber (Agarwal, 2010). Gender differences in resource use imply that men and women will likely bear differential costs due to the non-availability of specific natural resources (Agarwal, 2010:33-34). For example, conservation-induced displacement can impact women and men differently. In most cases of displacement, due to gendered roles and responsibilities, women can suffer more harm than men. A lack of access to firewood, for instance, due to displacement, can prevent women from cooking food for their families. Women may be subjected to verbal and physical abuse within their families if they fail to fulfil such responsibilities due to a lack of access to firewood (Granat & Boyer, 2021).

The logic of practice. We already know that women interact with resources differently. How and when to harvest some resources are women-specific norms that indigenous women can develop through frequent interactions with specific resources. Indigenous women are usually responsible for harvesting vegetables and other plant-based foods from the forest. In carrying out such responsibilities, they develop rules that guide their interactions with those resources. By frequently interacting with specific natural resources, indigenous women develop women-specific norms that guide their interactions with them. For instance, when harvesting fluted pumpkin leaves, following the rule "prune the leaves with a knife, don't prune the leaves with your hand" is crucial for quick plant regeneration.[30] These women's rules are shaped by decades of observation while carrying out their gender-specific roles of harvesting vegetables and other plant-based foods. Following these rules strictly has shaped an important conservation practice, which prevents the destruction of plants and the growth of new shoots while promoting the swift regeneration of plants. This form of practice can foster biodiversity conservation and constitutes one of the important roles women can play in biodiversity conservation.[31] In the event of conservation-induced displacement, an indigenous group may lose the conservation practices it might be able to sustain through such rules. In this sense, indigenous women suffer double wrongs when they are displaced because the conservation practices they produce through those women-specific norms would be lost.

In this section, I have shown how a practice-based approach can incorporate a gendered perspective that enables us to recognise how women can contribute to conservation and, therefore, can suffer in distinct ways because of displacement. It seems important to recognise that women within indigenous groups may have developed a kind of knowledge and in-group norms, as well as specific interests that can be lost with displacement. This suggests that in dealing with conservation

[30] When I was growing up in my rural village, our mothers always stressed the importance of following these rules. On this issue, see Igbozulike (2015).

[31] I do not exclude the many cases in which the gendered character of informal rules is a consequence of an unfair distribution of roles within communities. Yet, it remains true that there are also situations in which women are capable of finding and transmitting their agency in a positive way, even within patriarchal structures.

conflicts, there are valid reasons to create spaces where the voices and knowledge of women can be heard. I will discuss this issue in the next section.

5. Giving a voice to women in conservation-based conflicts

There are, of course, intrinsic reasons based on respect for all human beings that can inspire the creation of spaces where women, just like other members of indigenous groups, can make their voices heard in conservation-based resource conflicts. That principled line of argument is important. It is also the standard method cited in several strands of literature on inclusion and exclusion from deliberative spaces.[32] An argument inspired by a practice-based approach is slightly different and more centred on what indigenous women do to shape their conservation practice, justifying the claims their groups make in conservation-based conflicts. If indigenous women can generate distinctive knowledge and informal norms that positively impact conservation practices, it seems important to give them space to share their perspectives, interests and priorities in a process that addresses conservation-induced displacement.

Often, in matters concerning conservation-induced displacement, women do not participate effectively in decision-making that attempts to address such situations.

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[32] Many scholars believe that the right to equal participation is a fundamental human right that women must be allowed to enjoy within their communities. On this issue, see Herr (2019), Marrinica (2023), and Schmitz & Gabel (2023).

Jacinta Anyango Odour (2004) notes that, in the case of multiple legal cases relating to displacement filed on behalf of the Ogiek group, a good number of members of the Ogiek community, including women, were in court to hear their cases. Still, the Ogiek women never said anything. Odour also recalls that no woman is a plaintiff in any of the lawsuits – "the plaintiffs are men and the pleadings are couched in male terms" (2004: 19). The Ogiek women lack the right of equal participation to even share their perspectives in the ongoing discussion concerning their displacement. Some authors note that Ogiek women do not have equal rights to participate in decision-making in their community because Ogiek men are culturally the sole decision makers – "women have no decision-making powers on matters pertaining land and forests… our culture is skewed in favour of Ogiek men" (Kiprono, Kalekye, wafula, 2024: 139). We can see that this inequality in terms of rights to participate in decision-making within the Ogiek community has continued even in the case of displacement, where women attend court cases but never say anything, while the men dominate in the discussion. This has negative implications as women will not be able to share their opinions and make formal complaints on how constant displacement impacts their lives. It is rare for men to present women's shared interests, because men have their own interests to discuss concerning displacement. As mentioned by Odour (2004), issues bordering on gender were not raised in the lawsuits. While the group opposes displacement, the issues being debated only concern the Ogiek's cultural rights and their attachment to the Mau Forest. On many occasions, the cases proceed in court as though matters being decided involve only men who are busy hunting and destroying the forest. Meanwhile, women face a harsh reality that no one raises in the court (Odour, 2004: 19). There was no discussion on how the constant displacement affects the women, no discussion on the protection of women's rights and their children's right to education in their new settlements (Odour, 2004). Given indigenous women's distinctive roles and responsibilities in conservation of biodiversity in their communities, one would think that if women are given a voice, they can discuss how the constant displacement affects their shared interests. They can also have meaningful input that can result in their collective rights to the Mau Forest being reclaimed.

Participatory platforms could be a possible solution to the neglect of indigenous women's voices on issues of conservation-induced displacement. Such platforms should be adopted as part of the process of dealing with conservation-based conflicts to ensure that indigenous women can have a say in public deliberation on the reasons and consequences of conservation-induced displacement. My goal here is not so much that of providing a detailed account of a democratic innovation. In the light of my work in this chapter, my goal is to think of two procedural features such platforms should display in order for them to ensure that indigenous women can make their specific claims in the process of dealing with conservation-based conflicts.

First, given the significance of situated agency and local knowledge in the transmission of practice across generations, such platforms should ensure that women's gendered place-based knowledge is represented. Given that in a specific indigenous community, all women cannot realistically be present in the platform, they should be represented by those who share and understand their distinctive knowledge and related interests. Because women often contribute within indigenous groups to the reproduction of a distinctive knowledge (and develop a shared interest based on this), it matters that indigenous women, who are the individuals who produce and transmit such distinctive gendered local knowledge, represent other indigenous women. I recognise that the literature on representation does not consider it necessarily true that women should represent women (Christoffersen & Siow, 2024; Yildirim, 2022; Mansbridge, 1999), but existing work on indigenous groups shows us that there are good reasons to give priority to gender-based representation. In her work on community forest control in India, Agarwal (2019: 87) reports the opinion of men: "it is true that women are the real users of the forest, but our women have not yet participated in the meetings. They do not know much; they do not give solid opinions. I am a man; I attend the meeting. If I am prepared to make the female members of my family act according to what I say, why should they attend the meeting?". They do not seem to understand that it could be possible for women to have interests separate and distinct from the group. That is why the last part of the quote from the example reads, "if I am prepared to make the female members of my family act according to what I say, why should they attend the meeting?". Let us suppose that men do not understand that women have separate and distinct interests from them. In that case, it is practically impossible for them to represent women's interests in decision-making forums. In other words, there is a need to accept that indigenous women have specific shared interests in resource use, and that the identity of their representatives therefore matters. In other words, for indigenous women to be able to share their perspectives on conservation-induced displacement, they need women representatives in collective decision-making forums. Women representatives can represent women's interests better than any other individual. As Sapiro has argued, "having a representative who looks like me may serve my interests" (1981: 703). So, on this basis, if we are to promote gender-sensitive participatory platforms in dealing with conservation-induced displacement, it is important that indigenous women are represented by other indigenous women who can grasp the importance and local significance of gendered knowledge.

Second, women's ability to influence decisions can depend on the proportion of women in the platform. Research conducted on forest management committees shows that the chances of women speaking up are greater if more women are on the committee, and that having more women in decision-making forums makes a difference in influencing decisions (Agarwal 1995). More women in the decision-making forum always encourage other women to speak. In our case, I have said that women within indigenous groups may have an interest in common with one another, such as that of conserving the social relevance of gendered norms and the practice of conservation, but it is not necessarily the case that they realise that it is a shared interest they should advocate as a group. To make sure that a substantial male presence does not constrain this process of gendered collective-identity building, it is not enough to have token female representation. Actually, many women representatives are necessary to be able to speak in male-dominated committees. This means that at least participatory equality is needed for indigenous women to influence decisions as a sub-group with shared interests and distinctive roles in conservation.

So, if we want to take seriously the fact that women are affected in distinct ways by forms of conservation-induced displacement and the fact that they contribute in a separate and specific way to indigenous conservation practices, a possible solution is to create spaces where they can have a say and, therefore, influence the deliberation between states and indigenous groups. Yet, in creating such platforms, to recognise and address the often invisible and neglected double wrong that many indigenous women have to suffer in cases of conservation-based displacement, two standards should be respected: indigenous women represent indigenous women, and indigenous women are given enough seats to have participatory parity. This illustrative proposal is not a remedy for all possible problems. It is meant to show, however, that a gendered practice-based approach can not only help us to identify the double wrong experienced by indigenous women, but it can also orient normative and institutional work. As we will see in the concluding section of this chapter, there is, however, the risk that proposals of this kind can end up being too disruptive, or disruptive in a way that seriously affects the transmission of indigenous conservation practices over time.

6. The two-fold gender problem

As argued in the section above, recognising women's distinctive role in conservation requires creating participatory spaces in conservation conflicts where women can be represented and heard. However, given that such distinctive roles in conservation are fundamentally linked with a gendered division of labour, this generates a paradox: the empowerment of women may lead to eroding those same conservation practices that my theory is meant to recognise and appreciate. This is a serious challenge, and I think that a definitive response to it depends on contextual considerations about the self-perception of women within the group. As a general remark, I think it is important to point out that if women in a specific group do not consider gendered labour division to be oppressive to them, then it cannot be said that giving them an equal voice within their communities can erode their distinctive role in conservation or their contributions to conservation practices. Contrary to the view that gendered labour division is oppressive to women because it devalues women's roles and reproduces gender inequalities (Worthen; Hartmann, 1981; Weeks, 2007), indigenous feminist writers hold a different view. Many indigenous feminist writers believe that in pre-colonial indigenous communities, "women enjoyed high status and much respect" while performing gendered roles (McKinley, Liddell, and Lilly, 2021).[33] Therefore, the indigenous feminist writers take us back to the indigenous communities in the pre-colonial era to demonstrate that assigning different roles and tasks to each gender is not oppressive to women because such roles complement each other.

Many indigenous feminists agree that gendered division of labour always existed in many indigenous communities in the pre-colonial era, where men and women had different roles, but those gendered roles were complementary.[34] Rauna Kuokkanen notes that in pre-colonial Sámi society, roles and responsibilities were gendered, but a symmetrical complementarity characterised these situations (2009). As she puts it, the Sámi women were independent and possessed power and control over certain domains, which she describes as domestic and private (2009: 500).

[33] It is important to note that for many indigenous feminists, colonialism influenced indigenous practices that changed how indigenous women were valued within their communities. They have argued that before colonialism, indigenous women had their roles and responsibilities, yet they were valued highly within their families and communities. See Joyce G. (2017) and McKinley, Liddell, and Lilly (2021).

[34] On this issue, see Hanrahan et al (2021).

Thus, gendered roles and responsibilities within indigenous communities were complementary and interconnected with each other (Billson & Mancini, 2007). Gendered labour division is understood within the context of complementarity. Moreover, it never takes away women's agency or power (McKinley, Liddell, and Lilly, 2021). Hence, gendered roles do not demean women or devalue them, as some Western feminists have argued (Hartmann, 1979; Weeks, 2007). The gendered labour division can be said to be based on the understanding that each man and woman has his or her area of strength and weakness, and that assigning different roles to each gender helps them complement each other in moving their families and communities forward. This gender complementarity, which indigenous feminist writers have emphasised, aligns with my idea of interconnectedness and interdependent relationships, which I discussed in earlier chapters. It must be said that, in our discussion of interconnectedness and interdependence, gender is not discussed in isolation. In line with the idea of interconnectedness, indigenous women are an integral part of the community. Their distinctive roles are seen as important in realising the goals and interests of the group. Within the context of interconnectedness, indigenous women are not inferior or superior to men, as gendered roles complement each other and ensure that social balance and cohesion within the group are maintained. In this sense, indigenous men and women understand that they are engaging in complementarity to realise their collective interests. This act is in tune with interconnectedness and interdependent relationships with others, meaning other humans and non-human beings.

Having said that, in a community where gendered labour division is understood in terms of gender complementarity, it is difficult to affirm that women in such a community suffer gender discrimination or oppression merely based on gendered roles. What seems challenging to many indigenous women nowadays is their lack of participation in decision-making within their communities. Nevertheless, it does not seem to me that letting them have an equal right of participation in decision-making within their communities will affect the already existing gendered roles, because those roles complement each other. Second, gendered roles are not necessarily harmful in themselves. Rather, having an equal voice will enable indigenous women to share their perspectives at all times as individuals with distinctive roles and responsibilities.

7. Conclusion

In this chapter, I have argued that women play a distinctive role in conservation practice, and, in this way, they can be affected in a specific way by conservation-induced displacement. I have also claimed that if women contribute to shaping conservation practices, and those same conservation practices are meant to support the claim of indigenous groups vis-à-vis states or other entities, women should be recognised for a more important practice-shaping role within the community. One possible way to recognise this role, based on the work of Agarwal, is to create participatory spaces in conservation disputes where women are represented and heard. I also argued that giving indigenous women an equal right to participation in decision-making within their community does not erase the existing gendered roles because they understand gendered labour division in terms of gender complementarity. This suggests that indigenous women's empowerment may not erode their distinctive role in conserving biodiversity within their community.

Conclusion

This work was an attempt to highlight the specific wrongs of the conservation resource-based conflict and displacement caused by the imposition of fortress conservation on indigenous groups and to describe the approaches that capture such wrongs. The imposition of fortress conservation on indigenous peoples' territories often displaces them from their ancestral land and denies them access to their territory and resources. In the previous chapters, I demonstrated that conservation-induced displacement is morally distinctive as it entails three interconnected wrongs: territorial, epistemic, and identity-based. By territorial wrong, I mean that removing people from the territory where they have access to the resources needed to sustain their life plans amounts to territorial injustice. By epistemic wrong, I mean that the imposition and implementation of fortress conservation— a practice that separates humans from nature —on indigenous communities constitutes a form of epistemic injustice because it signifies the non-recognition of the indigenous mode of knowing, which involves perceiving humans and nature as interconnected. By identity-based wrong, I mean the loss of the whole of the indigenous way of life – their mode of knowing, their practices, their relationships with lands and natural resources. This can be seen as a second-order wrong of conservation-induced displacement because the loss of identity is a consequence of threatened indigenous modes of knowing, disrupted located life plans, and the loss of territory and natural resources resulting from the imposition of fortress conservation. Considering these three interconnected wrongs, I argued that standard responses to displacement, like monetary compensation and relocation, are insufficient because they do not take into account the fact that indigenous groups cultivate their relationship with specific pieces of lands (and the attached natural resources) over time, generating place-specific knowledge, patterns of knowledge transmission, and a collective identity.

Therefore, given the foregoing, I studied attachment-based theories to ascertain how they can solve conservation-induced displacement. This evaluation was crucial because indigenous territorial or resource rights are usually defended based on attachments to land. In the context of conservation conflict and displacement of indigenous groups, attachment-based theories help to address the territorial wrong of removing people from their location and the wrong of denying them access to continuous use of resources for their located life plans. However, attachment-based theories seem incomplete because the loss of located life plans is not the only wrong of conservation-induced displacement. Other wrongs exist, such as, as we have just seen, the non-recognition of indigenous modes of knowing and identity-based wrongs. Furthermore, attachment-based theories do not tell us much about how references to attachment claims can handle located life plans that may threaten biodiversity. Moreover, they do not tell us much even about the collective relevance of conservation practice. These are non-trivial, practical, and philosophical issues, as too much emphasis on attachments may open the possibility of overexploiting natural resources. Again, forming a close relationship with a given resource implies dependency on that resource for one's well-being or located life plans, but it may not entail a process of mutual interaction and reciprocity. Therefore, attachment-based theories overlook the significance of the interdependent relationships between human and non-human beings in their shared environment. Building on these observations, I introduced a practice-based approach, which was developed in forest studies by Arts and colleagues (2014), to advance attachment-based theory.

A practice-based approach, I have argued, can account for how attached agents, such as the indigenous groups, participate in interdependent relationships with non-human species and sustain such interdependent relationships over time, sometimes yielding positive biodiversity outcomes. This approach can help address conservation conflicts because it recognises that indigenous groups are attached to a certain piece of land and cultivate and sustain an interdependent relationship with the environment they inhabit and shape. To be sure, a practice-based approach should not be understood as a radical overhaul of attachment-based theories, but rather as an advancement that adds further elements to describe and rectify the multiple wrongs of conservation-induced displacement and demonstrate the interdependent relationships between human and non-human species within their geographical space. I distinguished three fundamental conceptual components (situated agency, logic of practice, and performativity) that can help unpack the general concept of practice in analytical terms.

By situated agency, I mean an actor's social interactions with "the others" in a given location. The idea of situated agency illustrates how situated agents engage in interdependent relationships with others, including humans and non-human species within their shared environment. This interdependent relationship suggests that there is no conflict as such between humans and nature, as it involves mutual interactions and reciprocity. Therefore, by utilising situated agency, we could dissolve the traditional nature-human dichotomy and insist that humans and nature can interact interdependently. This helps us see that in managing conservation-based conflicts and displacement, it is also important to consider how and to what extent humans and nature participate in an interdependent relationship that imbues a certain piece of land with value. The logic of practice demonstrates how routines and traditions shape practices that guide interdependent relationships between human and non-human species within indigenous communities. The conceptual element of performativity helpes to draw attention to indigenous ecological knowledge as tacit knowledge and the role of such knowledge in conserving biodiversity.

To illustrate my framework further, I presented a case study of conservation-based resource conflicts between the Ogiek Indigenous group and the Kenyan state. I compared how the standard attachment-based theories and a practice-based approach can address the conservation resource-based conflict between Ogieks and the Kenyan government. The goal was to further explain the details of a practice-based account and illustrate how it can work in real-world scenarios. Regarding the Ogiek case, attachment theories were relevant in analysing why their forceful removal from the Mau Forest is wrong. The Ogieks are attached to the Mau Forest, which they regard as their ancestral territory, and, as Stilz (2013) has argued, individuals have an important interest in occupying the territory that is fundamental to their located life plans. From the perspective of attachment theories, the wrong of Ogiek removal consists in the loss of territorial/resource rights, which has made it difficult for them to continue their located life plans. However, the loss of territorial/resource rights and loss of located life plans is not the only wrong of removing the Ogiek from the Mau forest; there are other wrongs, such as non-recognition of indigenous mode of knowing and place-based identity.

From the perspective of a practice-based approach, Ogieks embody the characteristics of situated agents. As situated agents, the Ogiek have an interdependent relationship with non-human species and their natural environment.

The Ogiek, commonly referred to as the caretakers of the Mau Forest, have existed for centuries living in a symbiotic and peaceful relationship with nature (Ronoh, 2007). And they see themselves as jointly situated with non-human species in the Mau Forest and understand their interactions and interdependencies with non-human species as fundamental to their flourishing. The logic of practice helps capture and make sense of the rules and principles that guide conservation practices within the Ogiek community. The Ogiek employed and adhered to traditional norms and regulations to govern the management of the Mau Forest ecosystem, as well as local norms and beliefs that governed sacred or fetish groves, which prohibited harvesting of forested products and indiscriminate hunting of endangered species (Ronoh, 2011). Performativity highlights the productive relation between meaning and action and helps flesh out more practical forms of tacit knowledge. Ogiek people possess place-based knowledge that helps them sustain their interdependent relationship with the non-human species in the Mau forest.

By utilising situated agency, logic of practice and performativity, the practice-based approach captures the *epistemic wrong* and *an identity-based wrong* of removing the Ogiek people. The forceful removal of the Ogiek disrupted their mode of knowing reality as interconnected and how they participate in interdependent relationships with non-human species in their ancestral land. What makes conservation-induced displacement of the Ogiek particularly relevant is the non-recognition of the indigenous mode of knowing, the interconnectedness, and how this sense of interconnectedness shapes and promotes interdependent relationships between human and non-human species. The Ogiek do not understand themselves as living independently of nature. Rather, they lived in interdependence with nature. This point to the fact that it is not only the loss of cultural rights or loss of located life plans that might be wrong with the Ogiek removal but also the idea of forcing them to live independently of nature, creating an unnecessary conflict between human and nature, and making it look like humans are against nature. Moreover, there has been *an identity-based wrong*. With forceful removal, the Ogiek people were prevented from sharing their space with other non-human species with whom they had interdependently coexisted in the Mau Forest for time immemorial. The way specific individuals perceive themselves as relating to non-human species in their environment should be respected. Failing to recognise and respect how people understand themselves and how they interdependently relate with the other beings in their location is a moral wrong.

Another important aspect of my work is the recognition that conservation-induced displacement affects members of indigenous groups asymmetrically, with women, in some cases, suffering double wrongs. This comes from the fact that within several indigenous groups, the gendered division of labour shapes gender differential interests in resource use, thereby creating gendered life plans and gendered knowledge. Yet, they are not given equal attention within the community or in those processes trying to address or compensate for conservation-induced displacement. I argued that although attachment-based theory emphasises individuals' access to resources, it does not demonstrate the differences in how an individual man or woman interacts with a specific resource. The theory does not let us know that there is the possibility that men and women can relate to resources differently due to the gendered labour division that assigns a specific task or role to each gender. Therefore, attachment-based theories cannot address the double wrongs that women may encounter in dealing with conservation-induced displacement because it is blind to possible gender differences in resource use.

Additionally, it does not show us women's distinctive roles in biodiversity conservation through their distinctive interactions with natural resources. Following these observations, I demonstrated how the three conceptual elements of the practice-based account (performativity, situated agency, and the logic of practice) can help us overcome these limits and obtain a more nuanced perspective on conservation-induced displacement.

Performativity demonstrates the ecological knowledge of indigenous women. Women's ecological knowledge develops through their frequent interactions with resources. Given women's roles and responsibilities as the providers of family subsistence, they frequently visit the forest for plant gathering and firewood collection. I argued that losing indigenous knowledge because of a displacement constitutes a wrong to the entire indigenous group. However, it is a double wrong for the indigenous women because they are often referred to as the repositories of knowledge within their community (Agarwal, 2010).

I also showed that men and women are situated agents who interact with natural resources differently, influenced by their gendered roles and responsibilities. Gender differences in resource use suggest that conservation-induced displacement can impact women and men differently. In most cases of displacement, due to gendered roles and responsibilities, women can suffer more harm than men. Logic of practice illustrates that by frequently interacting with specific natural resources, indigenous women develop women-specific norms guiding their interactions with them. These women's rules are shaped by decades of observation while carrying out their gender-specific roles of harvesting vegetables and other plant foods. Following these rules strictly has shaped an important conservation practice, which prevents the destruction of plants and the growth of new shoots while promoting the quick regeneration of plants. This form of practice can foster biodiversity conservation and constitutes one of the important roles women can play in biodiversity conservation. In the event of conservation-induced displacement, an indigenous group may lose the conservation practices they could sustain through such rules. In this sense, indigenous women suffer double wrongs when they are displaced because the conservation practices they produced through those women-specific norms would be lost. If my argument is sound, the three conceptual elements defining a practice-based approach incorporates a gendered perspective that enables us to recognise how women can contribute to conservation and, therefore, can suffer distinctively because of displacement. This suggests that in dealing with conservation conflicts, there are reasons to create spaces where women's voices and knowledge can be heard. In this respect, a possible solution I suggested is to create spaces where they can have a say and, therefore, influence the deliberation between states and indigenous groups in processes addressing conservation-induced displacement.

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