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## 12. “OWNERSHIP” OF WILDLIFE

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### SUMMARY

“Ownership of Wildlife” explores the importance of resource proprietorship to the conservation of the African macrofauna and its habitats, outside national Protected Areas. This is done against a brief review of the possible effects of land ownership as opposed to communally held resource rights because landholders determine the fate of wildlife outside State managed parks and reserves. This leads to the conclusion that wildlife, and the biological diversity that it spearheads, depends on the resource being able to generate human benefits that are competitive with the returns from alternative land use options. Realising these returns depends on institutional arrangements that enable wildlife to achieve its inherent economic advantage where land is in any way marginal for conventional agriculture. The usual type of game laws found in most of Africa south of the Sahara, which are a legacy of the colonial era, do not meet this need and the centrally managed protectionism that they embody has probably been counter-productive to their aims. It has undervalued the resource and marginalised the landholders who decide the future of wildlife on their land. The Chapter concludes by suggesting that legislation is needed that maintains wildlife as a wild resource without prejudicing its ability to compete financially with other land uses. This requires freedom to trade in it, that landholders and managers

have security of tenure over the rights to use the resource, and that costly regulation is reduced to an absolute minimum.

## INTRODUCTION

Proprietorship and price are the main factors regulating whether wildlife will be actively conserved on productive land outside protected areas. Proprietorship, by limiting access to and rights over the resource, determines whether it can be used and by whom. Price, not necessarily in financial terms, decides the levels of benefits that can be derived from these rights. Without proprietorship there can be no price (Sinden and Worrell, 1979; Child, Chapter 17) and unless wildlife is priced it is difficult to comprehend the significance of conserving it. Together, they provide the most powerful incentive for either retaining or dispensing with wildlife where land has an alternative use. In Africa both have been artificially distorted through legislation that has accentuated the costs and/or minimised the benefits of having wildlife.

This chapter considers proprietorship, which is often referred to as “ownership”, although rights to use and benefit from a resource often do not equate with ownership. Furthermore, ownership over fugitive wild animals, that are free to move between properties, even between jurisdictions, is a contradiction in terms. Institutional mechanisms are needed to allocate the rights to use and benefit from mobile, individually unidentifiable wild animals, if people are to benefit legally from wildlife. These mechanisms should hold under different forms of land and resource tenure outside State managed protected areas, and should be able to accommodate the many uses of wild species that represent stages towards their domestication.

## PROPRIETORSHIP OVER NATURAL RESOURCES

### Land ownership

The allocation of rights to use wild resources varies both with culture and the nature of the resource. The western tradition relies heavily on land ownership to allocate the exclusive use of most renewable resources to the owner of the land. Farmers and ranchers are usually permitted to manage the renewable resources on the surface of the land as they please and to sell the produce to best advantage, but in many countries this does not extend to the hunting of wildlife. Hunting, like surface runoff and the minerals below the ground which are regulated by complex water and mining laws, is managed by the State in terms of the game laws. This results in a serious anomaly. It separates wild animals from the ecological and economic systems of which they are an inherent part, with potentially serious consequences for the effective management of wildlife.

### Communally held resource rights

Land ownership is by no means universal for allocating the rights to use resources, especially wild resources. Neither has it always held in Western Europe, where it is a common culmination of a variety of historic land tenure systems that differed