Role of social license in conservation – response

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We are delighted that Kendal and Ford (2017) have felt moved to comment on the use of the term 'social license' with respect to conservation as it is used by ourselves (Zander et al. 2014; Garnett et al. 2017) and others (Spies et al. 2010; Hobday et al. 2015; Buckley 2017; Latham et al. 2017). We of course agree that social license may not always be a useful way in which to describe the relationship between conservation and the community and also that 'trusting, ongoing relationships with the … community'. However, we query the suggestion that 'social acceptance' might be more appropriate than social license when seeking community support for conservation programs. We maintain there is a role for both terms – indeed there may be a sequence in which they are applied.

Use of the term 'social license' in the mining industry has been criticised for its ambiguity, the lack of process for obtaining it, the way in which it is employed to maintain existing power imbalances and its binary nature (Parsons and Moffat 2014). The converse of these arguments is that the term is flexible and that its adoption by companies represents explicit acknowledgement that civil society does possess the power to challenge a company's right to operate. The principal message of the report from which the term drew its current popularity (International Institute for Environment and Development 2002) was that a failure to acknowledge and accommodate the concerns of civil society constituted a real threat to the industry's State-sanctioned licenses to operate.

We therefore argue that social license is indeed binary and that the metaphorical similarity to a formal state-sanctioned license is far closer than suggested by Kendal and Ford (2017). We think the definition of social license proposed by Ford and Williams (2016) '*The demands on and expectations on a business enterprise that emerge from neighbourhoods, environmental groups, community members, and other member of the surrounding civil society*' does not actually capture the way in which it is being employed by mining companies or forestry operations. However vague, social license is a precursor and a necessary condition to existing and ongoing legal licenses. While the thresholds for non-compliance may be ill-defined, the consequences of failure can be extremely expensive, as Rio Tinto discovered in Bouganville (Pike 2012).

A more appropriate definition that captures a more realistic application of the term Social License is '*The contributions of an enterprise to civil society required for legal sanctions to be granted and to persist'.* The key differences between this definition and that of Ford and Williams (2016) are that the license is not granted by local communities or the enterprises concerned, which is why Parsons and Moffat (2014) found it difficult to identify process in its granting. Rather the 'license' is an emergent property of political interactions before and during the operations of an enterprise. In the conservation industry this requires multiple objective conservation policy and practice that enable local people to have the opportunity to sustain their local lives and livelihoods – a premise that is well supported by global and national policies (Corrigan et al. 2017).

As such the conditions of the conservation industry's license are contingent on the extent to which the enterprise satisfies enough of the interests of civil society that there is a net political gain for the State. Gradually many of the social contributions that make up social license are codified into legal conditions. In the conservation context this requires governance models that negotiate rather than mandate priority conservation values and embrace diverse sites of authority through formal (e.g. co-

management) or informal regimes (Berkes 2007) However, this license also represents the historical legacy of earlier political contest which in the case of conservation has had a patchy history around the globe. The conditions on a social license are often a precursor to the formal process and reflect the current expectations as societal values evolve. Interestingly mining and other sectors repeatedly test and target social licence mandates and approaches (e.g. CSIRO 2017) which contrasts with the many perpetual conservation arrangements that exist and can open up the risk that over time original social licence mandates are unchecked, eroded and contested.

If, as we believe, this is the definition of social license actually being applied by enterprises, then many of the criticisms of the term and its application to the conservation sector fall away. It is unsurprising that companies talk more of maintaining their social license than of acquiring it (Parsons and Moffat 2014) as the granting of their existing legal license will be predicated on the political judgement that they already have a social license, even if that was granted under a different set of societal norms. Also the actions taken by enterprises to gain their social license should not be expected to promote sustainability, whatever the rhetoric may be. There is limited evidence that there have been some shifts in that direction (Garnett et al. 2015) but largely because it makes economic sense. As civil society continues to apply pressure on enterprises to provide more to local communities or do less damage to the environment the more a future legal license to operate requires investment in actions not yet legally required. Much is often made of these 'voluntary' contributions but such investment must have commercial benefit if obligations to enterprise shareholders are to be met.

We therefore think that social license is quite different from the more subtle term 'social acceptance' that recognise the complex nature of relationships between resource companies and the various players with whom they interact. In many ways social acceptability can be seen as a precursor to obtaining a social license – it is through seeking social acceptability that a social license is created. We do not agree that there are multiple social licenses – rather social license can be seen as the outcome from multiple conversations about social acceptability. That it falls short of true sustainability is because the conversations about social acceptability are held not just with local groups or advocacy groups lobbying on their behalf but also with communities that rely on mines for employment and the many influential players who stand to make material profit from development.

The reason we argue that conservation also needs a social license is that there are also winners and losers from conservation interventions with political trade-offs for those authorising the activity, whether that be the state or the community. This trade-off is complex– on the one hand there is growing international recognition that a safe, clean, healthy and sustainable environment is integral to the full enjoyment of a wide range of human rights. On the other hand there is growing concern that Indigenous and minority groups are paying the highest cost for maintaining our planet's high conservation areas and species (United Nations Human Rights 2015; Robinson et al. 2016) For example, governments need to be confident they have a social license before they are likely to authorise assisted migration of birds in the face of climate change (Garnett et al. 2017; Latham et al. 2017). Such a license is not necessarily agreement only with the communities in places directly affected but also from the broader group of societal players with an interest in the process. Significant resistance to the ideas from any group is likely to lead to a denial of social license given the combination of uncertainty about success and limited political benefit.

Only after social license is perceived to have been granted is the State likely to invest in the necessary policy, legislation and public investment needed to make the idea a reality.

Conservation advocates are particularly in need of social license when dealing with groups who have historically been less empowered than they are, such as Indigenous peoples. In the past, mining companies had a social license to extract minerals indiscriminately. In the same way, conservation advocates could persuade politicians to secure lands for nature regardless of Indigenous rights. That is no longer the case. While conservation advocates may be able to match the economic power of extractive industries with moral suasion, such arguments don't work with Indigenous peoples. Instead Indigenous peoples increasingly have the right to grant social license for conservation initiatives as it is to them that governments will look to establish whether a conservation initiative is socially acceptable. And conservation advocates cannot and should not assume that Indigenous peoples share the same world view and aspirations for nature (Kohler and Brondizio 2017). While developing trusting relationships with the community to engender social acceptance may be a precursor to gaining a social license but there are other means to do so, such as market transactions and fees for service, that may be seen as more honest than proselytising conservation under the guise of partnership and collaboration. It is no more or less honest than any mineral company buying the right to mine through granting of royalties or supporting local football teams.

In the same way, we believe that use of the term social license to describe the relationship conservation advocates are seeking to have with the broader polity is also more honest than one that potentially pretends to make conservation socially acceptable to the whole community.

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