



# Governance of Protected Areas

From understanding to action

Grazia Borrini-Feyerabend, Nigel Dudley, Tilman Jaeger,  
Barbara Lassen, Neema Pathak Broome, Adrian Phillips and Trevor Sandwith



## Developing capacity for a protected planet

Best Practice Protected Area Guidelines Series No.20



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IUCN-WCPA's Best Practice Protected Area Guidelines are the world's authoritative resource for protected area managers. Involving collaboration among specialist practitioners dedicated to supporting better implementation in the field, they distil learning and advice drawn from across IUCN. Applied in the field, they are building institutional and individual capacity to manage protected area systems effectively, equitably and sustainably, and to cope with the myriad of challenges faced in practice. They also assist national governments, protected area agencies, non-governmental organisations, communities and private sector partners to meet their commitments and goals, and especially the Convention on Biological Diversity's Programme of Work on Protected Areas.

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## IUCN PROTECTED AREA DEFINITION, MANAGEMENT CATEGORIES AND GOVERNANCE TYPES

IUCN defines a protected area as:

**A clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.**

The definition is expanded by six management categories (one with a sub-division), summarized below.

**Ia Strict nature reserve:** Strictly protected for biodiversity and also possibly geological/ geomorphological features, where human visitation, use and impacts are controlled and limited to ensure protection of the conservation values

**Ib Wilderness area:** Usually large unmodified or slightly modified areas, retaining their natural character and influence, without permanent or significant human habitation, protected and managed to preserve their natural condition

**II National park:** Large natural or near-natural areas protecting large-scale ecological processes with characteristic species and ecosystems, which also have environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities

**III Natural monument or feature:** Areas set aside to protect a specific natural monument, which can be a landform, sea mount, marine cavern, geological feature such as a cave, or a living feature such as an ancient grove

**IV Habitat/species management area:** Areas to protect particular species or habitats, where management reflects this priority. Many will need regular, active interventions to meet the needs of particular species or habitats, but this is not a requirement of the category

**V Protected landscape or seascape:** Where the interaction of people and nature over time has produced a distinct character with significant ecological, biological, cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values

**VI Protected areas with sustainable use of natural resources:** Areas which conserve ecosystems, together with associated cultural values and traditional natural resource management systems. Generally large, mainly in a natural condition, with a proportion under sustainable natural resource management and where low-level non-industrial natural resource use compatible with nature conservation is seen as one of the main aims

The category should be based around the primary management objective(s), which should apply to at least three-quarters of the protected area – the 75 per cent rule.

The management categories are applied with a typology of governance types – a description of who holds authority and responsibility for the protected area. IUCN defines four governance types.

**Governance by government:** Federal or national ministry/agency in charge; sub-national ministry/agency in charge; government-delegated management (e.g. to NGO)

**Shared governance:** Collaborative management (various degrees of influence); joint management (pluralist management board; transboundary management (various levels across international borders)

**Private governance:** By individual owner; by non-profit organisations (NGOs, universities, cooperatives); by for-profit organisations (individuals or corporate)

**Governance by indigenous peoples and local communities:** Indigenous peoples' conserved areas and territories; community conserved areas – declared and run by local communities

For more information on the IUCN definition, categories and governance type see the 2008 *Guidelines for applying protected area management categories* which can be downloaded at: [www.iucn.org/pa\\_categories](http://www.iucn.org/pa_categories)

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## IUCN (International Union for Conservation of Nature)

IUCN helps the world find pragmatic solutions to our most pressing environment and development challenges. IUCN works on biodiversity, climate change, energy, human livelihoods and greening the world economy by supporting scientific research, managing field projects all over the world, and bringing governments, NGOs, the UN and companies together to develop policy, laws and best practice. IUCN is the world's oldest and largest global environmental organization, with more than 1,200 government and NGO members and almost 11,000 volunteer experts in some 160 countries. IUCN's work is supported by over 1,000 staff in 45 offices and hundreds of partners in public, NGO and private sectors around the world.

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## UNDP GEF SMALL GRANTS PROGRAMME

Funded by the Global Environment Facility (GEF) as a flagship programme, the GEF Small Grants Programme (SGP) is implemented by the United Nations Development Programme (UNDP) on behalf of the GEF, and is executed by the United Nations Office for Project Services (UNOPS). Launched in 1992, the SGP supports activities of non-governmental and community-based organizations in developing countries towards biodiversity conservation, climate change mitigation and adaptation, protection of international waters, reduction of the impact of chemicals and prevention of land degradation, while generating sustainable livelihoods.

<http://sgp.undp.org>



## CHRISTENSEN FUND

Founded by the Christensen family in 1957, The Christensen Fund supports the efforts of people and institutions who believe in a biodiverse world infused with artistic expression, and works to secure ways of life and landscapes that are beautiful, bountiful and resilient. The Christensen Fund focuses on backing the efforts of locally-recognized community custodians and their alliances with scholars, artists, advocates and others. It also funds international efforts to build global understanding of the issues around biocultural diversity. These are challenging goals, so they seek out imaginative, thoughtful and occasionally odd partners to learn with.

[www.christensenfund.org](http://www.christensenfund.org)



## BMZ

The Federal Ministry for Economic Cooperation and Development (BMZ) is responsible for Germany's development policy. Its tasks include developing guidelines, strategies and implementation rules. The focus is on intergovernmental cooperation with selected developing countries. The BMZ commissions its implementing agencies with the implementation of projects and monitors the results of their work. The BMZ also works for a forward-looking design of development cooperation at the European and global levels and makes the position of the German government heard in multilateral institutions and processes. Non-governmental organisations are also important partners. Federal Minister Dirk Niebel, Parliamentary State Secretary Gudrun Kopp and State Secretary Hans-Jürgen Beerfeltz form the leadership of the BMZ. The Ministry has a total of nearly 800 employees at its main office in Bonn, its Berlin office and abroad.

[www.bmz.de](http://www.bmz.de)



## BIOPAMA

The Biodiversity and Protected Area Management (BIOPAMA) programme aims to address threats to biodiversity in African, Caribbean and Pacific (ACP) countries, while reducing poverty in communities in and around protected areas. It is financially supported by resources from the intra-ACP envelope of the European Commission's (EC) 10th European Development Fund (EDF). BIOPAMA combines improving data availability with capacity development to strengthen protected area management. It has two main components: one concerning protected areas, jointly implemented by the International Union for Conservation of Nature (IUCN) and the EC's Joint Research Centre (JRC), and another dealing with access and benefit sharing (ABS), implemented by the Multi-Donor ABS Capacity Development Initiative managed by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

[www.biopama.org](http://www.biopama.org)



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## TILCEPA

The Theme on Indigenous Peoples, Local Communities, Equity and Protected Areas (TILCEPA) is an inter-Commission body of the IUCN dealing with social policy aspects of Protected Areas. Over 300 global experts contribute to TILCEPA's work to advise the IUCN, UN agencies, governments, national agencies and civil society on issues of indigenous peoples' rights, human and civil rights, good governance, equitable benefit sharing, social assessment, mediation of diverse value systems, local perspectives on connectivity and World Heritage.

[www.iucn.org/about/union/commissions/ceesp/what\\_we\\_do/wg/tilcepa.cfm](http://www.iucn.org/about/union/commissions/ceesp/what_we_do/wg/tilcepa.cfm)



## Convention on Biological Diversity

### Convention on Biological Diversity

The Convention on Biological Diversity (CBD), which entered into force in December 1993, is an international treaty for the conservation of biodiversity, the sustainable use of the components of biodiversity and the equitable sharing of the benefits derived from the use of genetic resources. With 193 Parties, the Convention has near universal participation among countries. The Convention seeks to address all threats to biodiversity and ecosystem services through scientific assessments, the development of tools, incentives and processes, the transfer of technologies and good practices, and the full and active involvement of relevant stakeholders including indigenous and local communities, youth, NGOs, women and the business community. The tenth meeting of the Conference of the Parties to the CBD, held in 2010, adopted a revised and updated Strategic Plan for Biodiversity for 2011-2020, comprising five strategic goals and 20 Aichi Biodiversity Targets. The Plan is the overarching framework on biodiversity, not only for the biodiversity-related conventions, but for the entire United Nations system.

[www.cbd.int](http://www.cbd.int)



### Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)

The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH is a federal enterprise with worldwide operations. GIZ supports the German Government in the fields of international cooperation for sustainable development and international education. Through its work, it assists people and societies in shaping their own futures and improving living conditions, operating throughout Germany and in more than 130 countries worldwide. GIZ, whose registered offices are in Bonn and Eschborn, has more than 17,000 staff across the globe, some 70 per cent of whom are employed locally as national personnel.

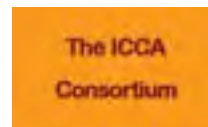
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### IUCN World Commission on Protected Areas (WCPA)

IUCN WCPA is the world's premier network of protected area expertise. It is administered by IUCN's Programme on Protected Areas and has over 1,400 members, spanning 140 countries. IUCN WCPA works by helping governments and others plan protected areas and integrate them into all sectors; by providing strategic advice to policy makers; by strengthening capacity and investment in protected areas; and by convening the diverse constituency of protected area stakeholders to address challenging issues. For more than 50 years, IUCN and WCPA have been at the forefront of global action on protected areas.

[www.iucn.org/wcpa](http://www.iucn.org/wcpa)



### THE ICCA CONSORTIUM

The ICCA Consortium is an international association dedicated to promoting the appropriate recognition of, and support to, the territories and areas conserved by indigenous peoples and local communities (ICCAs). Its Members are indigenous peoples' organisations and federations, community organisations, and civil society organisations working closely with them. Its Honorary members are individuals with relevant expertise and commitment. Its staff of 20 work on a semi-volunteer basis out of 20 countries. Members and staff join forces to support local ICCA-based initiatives, international and national policies and capacity building, and to carry out research and develop publications. Rooted in the movements that promote equity in conservation, the Consortium supports the implementation and further development of collective environmental and socio-cultural rights and responsibilities, as described, among others, in ILO 169, the Aarhus Convention, the Convention on Biological Diversity and the UN Declaration on the Rights of Indigenous Peoples.

[www.iccaconsortium.org](http://www.iccaconsortium.org)

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The views expressed in this publication do not necessarily reflect those of IUCN, GIZ, the ICCA Consortium, the Secretariat of the Convention on Biological Diversity, the EU or BMZ.

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Photo: Cover – At the heart of Urok's Community Marine Protected Area, Bijagós archipelago, Guinea Bissau. © Grazia Borrini-Feyerabend (gbf), 2000.

Back cover – For many years prior to 2006, France had not increased the extent of its National Parks by a single hectare. In 2006, a new Protected Area Law instituted a system of shared governance for all French National Parks. Since then, three new National Parks have been established, one of them in French Guiana, protecting over 2 million hectares.

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# Foreword

A group of villagers sit around a camp fire talking. Men and women in smart uniforms take notes as they watch a PowerPoint presentation. A meeting in a company boardroom reaches the next item on its agenda... These images describe various day-to-day occurrences in the process of governing protected areas, such as a national park, wilderness area or nature reserve. Over the past decades there has not only been a significant increase in the number of protected areas around the world, but also a dramatic change in understanding about how protected areas can and should be governed and managed. Along with the familiar state-run protected areas, managed by government employees, we now have protected areas established and managed by indigenous peoples, local communities, ecotourism organisations, non-profit trusts, private individuals, commercial companies and religious institutions. And many government-run protected areas are also increasingly bringing other stakeholders into the processes of decision-making.

These changes have been strongly supported by the international community: by IUCN, as part of the Convention on Biological Diversity's Programme of Work on Protected Areas (POWPA), by bilateral development partners, including through the German Government, and by civil society networks such as the ICCA Consortium. It is becoming increasingly clear that protected areas only work well if they are embedded within a supportive environment; and here "supportive" refers both to the ecology of conservation zones and their connecting corridors but also to the knowledge, efforts and broad agreement of the people living in and around such protected areas, and of the institutions affecting and being affected by them. Reflecting all such factors, governance is a key component of their success.

Dirk Niebel  
German Federal Minister  
for Economic Cooperation and Development

Ernesto Enkerlin Hoeflich  
Chair,  
World Commission on Protected Areas

Yet, we still have a lot to learn about governance of protected areas. Protected area agencies are struggling to find new ways of running their protected areas while many other actors are learning about how to maintain their traditional "conserved territories" through times of rapid change or in the face of mounting pressures from unsustainable forms of development. It is generally acknowledged that the components of the POWPA that have lagged in implementation have been those dealing with issues relating to governance, human rights, equity and benefit sharing. We should not be surprised since these questions are amongst the hardest to address in any circumstance. Capacity constraints at different levels – from individuals to organisations, regarding cooperation patterns and framework conditions – and lack of resources generally lead to this implementation gap.

This publication is an important step to enhance governance capacities for the world's protected area systems. Part 1 provides an overview of the four different protected area governance types recognised by the IUCN, with plenty of examples of what they are, why they are important and how they might be integrated into coherent and effective protected area systems. It also addresses the complex question of what constitutes good governance in various circumstances. Part 2 offers practical guidance for a multi-stakeholder group willing to embark on the process of assessing, evaluating and improving governance for a given system.

IUCN, the German Federal Ministry for Economic Cooperation and Development (BMZ), GIZ, the CBD Secretariat and the ICCA Consortium welcome this volume wholeheartedly and are delighted to have collaborated in its development. We hope it will make a positive contribution to the achievement of Aichi Target 11 and the critical aims of conservation and sustainable development.

Braulio F. de Souza Dias  
Executive Secretary,  
Convention on Biological Diversity

M. Taghi Farvar  
President,  
ICCA Consortium

# Acknowledgements

This publication is a joint product of several institutions and groups that have been working on governance of protected areas in recent years, including GIZ on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ), the IUCN Global Protected Areas Programme, the ICCA Consortium and the Theme on Indigenous Peoples, Local Communities, Equity and Protected Areas of CEESP and WCPA (TILCEPA) — with the encouragement and collaboration of the Secretariat of the Convention on Biological Diversity (SCBD).

The idea of these Guidelines came from the 9th and 10th Conference of the Parties to the Convention on Biological Diversity (CBD), when reviews of the CBD PoWPA showed there had been poor progress in implementing Programme Element 2 on Governance, Participation, Equity and Benefit-Sharing. The partners that came together to prepare these Guidelines considered that progress depended on greater awareness of the importance of governance issues, on putting in place assessments of governance at national and site levels and on the development of individual and institutional capacities. For all this, resources were needed.

The BMZ provided funding through the GIZ Programme “Implementing the Biodiversity Convention” and the European Union contributed funding through the BIOPAMA Programme, which is financially supported by resources from the intra-ACP envelope of the European Commission’s (EC) 10th European Development Fund (EDF). This was complemented by financial contributions from IUCN WCPA and TILCEPA, significant in-kind contributions from IUCN’s Global Protected Areas Programme, and the support and encouragement of the Secretariat of the CBD (SCBD). The ICCA Consortium gratefully acknowledges the support of The Christensen Fund and UNDP GEF SGP, which allowed it to provide major in-kind contributions to this work.

Thora Amend initiated the efforts towards this publication and Barbara Lassen coordinated and managed the process of preparation involving the various institutions. Neema Pathak developed a first draft of Part 1, drawing on previous work by many people referenced in the text. Grazia Borrini-Feyerabend wrote this final version, carried out the interviews that enliven the text and designed the Assessment, Evaluation and Action methodology of Part 2. Trevor Sandwith, Barbara Lassen, Nigel Dudley and Tilman Jaeger wrote parts of the text, provided examples and commented on drafts. Adrian Phillips – in close collaboration with Grazia – undertook the final editing of the volume.

The authors were assisted by work undertaken at CBD Regional workshops<sup>1</sup> in Africa, Asia, Latin America and Europe in 2009-2011 and at two small workshops at IUCN Headquarters in 2011; by comments on drafts distributed to

the TILCEPA IUCN mailing list in 2011, to the CBD Parties in the summer of 2012, and to the WCPA Steering Committee and Members of the ICCA Consortium at various times; by a full day “campus” event<sup>2</sup> at the World Conservation Congress in Jeju (Korea) in September 2012; and by numerous side events at CBD and IUCN Conferences, the last being CBD COP 11 in Hyderabad (India) in October 2012. Throughout, the extensive comments, encouragement and support of the members of the IUCN Commission – WCPA, CEESP, CEL and in particular the TILCEPA group led by Nigel Crawhall – were very useful and appreciated. Some crucial contributions by Barbara Lausche, Brent Mitchell, Erika Stanciu, Paula Andrea Bueno, Stan Stevens and Sue Stolton were incorporated in successive drafts. The initial draft of this volume drew on many sources. The principal references are highlighted in bold in Section 11 and readers are encouraged to consult these sources directly.

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Since its gestation, this work has grown as new insights and ideas have emerged – reflecting the dynamic and fast evolving nature of our understanding of protected area governance. This is still a rapidly changing area, and we consider our work to be a pioneering effort rather than a “final” product.

<sup>1</sup> The first in the series was the “Africa regional workshop on the review of progress and capacity-building for the implementation of PoWPA under CBD” in Grand Bassam, Côte d’Ivoire, 6-9 October 2009, facilitated by G. Borrini-Feyerabend.

<sup>2</sup> This event was facilitated by G. Borrini-Feyerabend, B. Lassen and P. Bueno. The first one-day workshop on evaluating governance of protected areas actually took place at the World Parks Congress in Durban, in 2003, facilitated by P. Heylings.



We encourage institutions and actors to test it, apply it, and provide feedback so that future versions will incorporate the experiences and views of as many people as possible.

Our heartfelt thanks to all past and future contributors to this effort.

Grazia Borrini-Feyerabend, Nigel Dudley, Tilman Jaeger,  
Barbara Lassen, Neema Pathak Broome, Adrian Phillips  
and Trevor Sandwith

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# Abbreviations and acronyms

ABS	Access and Benefit Sharing
APIs	Areas of Particular Importance for biodiversity and ecosystem services
BMZ	German Federal Ministry for Economic Cooperation and Development
CBD	Convention on Biological Diversity
CEESP	IUCN Commission on Environmental, Economic and Social Policy
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
COAP	National Protected Area Code (of Madagascar)
COP	Conference of the Parties
DRC	Democratic Republic of Congo
EU	European Union
EEZ	Exclusive Economic Zone
FAO	Food and Agriculture Organisation (of the United Nations)
GEF	Global Environment Facility
GIS	Geographical Information System
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
ICCA	Indigenous peoples' or community conserved territory or area
ICCAs	Indigenous peoples' and community conserved territories and areas
ILO	International Labour Organisation (of the United Nations)
IPA	Indigenous Protected Area (of Australia)
IUCN	International Union for Conservation of Nature
LMMA	Locally Managed Marine Areas
NGO	Non-governmental Organisation
PoWPA	Programme of Work on Protected Areas (of the CBD)
REDD	Reducing Emissions from Deforestation and Forest Degradation
RPPN	Reservas Particulares do Patrimônio Natural (Private protected areas of Brazil)
SCBD	Secretariat of the Convention on Biological Diversity
SGP	Small Grants Programme (of GEF)
SNAP	Sistema Nacional de Áreas Protegidas (National Protected Areas System of Ecuador)
SNS	Sacred Natural Site
TBPA	Transboundary Protected Area
TCO	Territorios Comunitarios de Origen (Ancestral Territories of the Indigenous Peoples of Bolivia)
TILCEPA	Theme on Indigenous Peoples, Local Communities, Equity and Protected Areas of CEESP and WCPA
TNC	The Nature Conservancy
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
USA	United States of America
WCPA	IUCN World Commission on Protected Areas
WCMC	World Conservation Monitoring Centre of UNEP
WDPA	World Database on Protected Areas
WWF	World Wide Fund for Nature

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# Executive summary

As biodiversity becomes rarer and increasingly precious, protected areas— the jewel ecosystems, species, genetic diversity and associated values that societies agree to conserve— are becoming an ever more important focus of interest and concern, delight and conflict. In parallel, we have discovered “governance of protected areas”, a concept that was barely recognised until a decade or so ago. Some early, innovative ways of making sense of it emerged on the eve of the Vth IUCN World Parks Congress (Durban, 2003)<sup>3</sup> where, for the first time, an entire stream of events was dedicated to the topic.<sup>4</sup> Since then, concepts and practices have evolved and consolidated into a new, rapidly expanding and developing field of enquiry. Building on these pioneer efforts, this volume 20 in the IUCN Best Practice Protected Area Guidelines series argues that ***governance that is both appropriate to the context and “good” is crucial for effective and equitable conservation.*** This applies to all kinds of protected areas and other conserved areas, in terrestrial, inland waters, coastal and marine environments.

This work is based on a few premises:

- ***“Governance of protected areas” is not new:*** ever since protected areas and conservation existed, someone, somewhere, has been taking decisions about them. What is new is that we are paying attention to it and articulating the concept and practice to understand it better.
- ***Governance analysis does not substitute for other studies,*** such as gap analyses and management effectiveness analyses: in fact it builds upon and complements them.
- ***A governance setting is appropriate only when tailored to the specifics of its context and effective in delivering lasting conservation results, livelihood benefits and the respect of rights.*** The specific ecological, historical and political contexts, and the variety of worldviews, values, knowledge, skills, policies and practices that contribute to conservation, should be reflected in different governance regimes in different regions and countries, and even among different protected areas in a same country.<sup>5</sup>
- ***There is no “ideal governance setting” for all protected areas,*** nor an ideal to which governance models can be compared, ***but a set of “good governance” principles can be taken into account vis-à-vis any protected area system or site.*** These principles provide insights about how a specific governance setting will advance or hinder conservation, sustainable livelihoods and the rights and values of the people and country concerned.

<sup>3</sup> IUCN, 2003a and IUCN 2004.

<sup>4</sup> IUCN, 2003b.

<sup>5</sup> In this volume, we use the term “country” to mean its national territory and exclusive economic zone (EEZ).

## Why governance?

A focus on governance issues will require effort from policy makers, managers and other rightsholders and stakeholders, but in the long run it will be more than worthwhile. This is why:

- ***Governance is the variable with greatest potential to affect coverage.*** In many cases, it is only by addressing issues of governance that countries will be able to expand the coverage of their protected areas and “other effective area based conservation measures” to meet Aichi Biodiversity Target 11 of the CBD Strategic Plan 2011-2020.
- ***Governance is a main factor in determining the effectiveness and efficiency of management.*** Because of this, it is of great interest to governments, funding agencies, regulatory bodies and society in general.
- ***Governance is a determinant of appropriateness and equity of decisions.*** Improving governance can help to maximise the ecological, social, economic and cultural benefits of protected areas without incurring unnecessary costs or causing harm.
- ***Governance can ensure that protected areas are better embedded in society.*** Governance arrangements that fit their context nourish linkages to the wider landscape/ seascape and help to make sure that protected areas are taken into account in broader decision-making.
- ***CBD Parties have agreed to report about governance of protected areas*** as part of their obligations under the Convention on Biological Diversity (CBD). Indeed, this very document was requested by the CBD Secretariat to help Parties monitor their own progress.
- ***Governance can be improved and provide precious help in facing on-going challenges and global change.*** Far from being immutable, the institutions and rules governing protected areas must be dynamic and adaptive in response to existing challenges and global change. Processes of “adaptive governance” should be cautious and well-informed, but also visionary. This is what this document strives to promote.

## Audience for the Guidelines

These Guidelines are intended for protected area practitioners, including staff of government agencies, indigenous peoples and local community representatives, municipal councils, owners of private protected areas, staff of civil society organisations, conservation professionals, researchers, funding agencies, and, indeed, anyone interested in conservation.

# Structure of the Guidelines

The volume provides **concepts, methods and tools** to understand governance and promote improvements in it.

**Part 1** provides a guide, with examples and explanation, to the four different protected area governance types and to the set of principles of good governance recognised by the IUCN.

**Part 2** offers practical guidance on assessing, evaluating and improving governance for a given system or site. Readers most concerned with basic concepts should focus on Part 1 and continue to Part 2 only if they wish to embark on a specific assessment or evaluation exercise, or want to know how this could be done.

The Annexes 1-3 referenced throughout this volume are available for download, along with further tools and materials, at [www.iucn.org/pa\\_governance](http://www.iucn.org/pa_governance). This document is also available there in electronic format, providing an index through the search function. The planned translations of this volume will be available on the same site.

## Part 1: Understanding Governance

The concept of “governance” is rich and multifaceted, and is not easily reduced to a few simple parameters and indicators. But these are needed to understand governance, evaluate it, report on it and make it as effective as possible for conservation and equity. In these Guidelines we develop an analysis of key actors (rightsholders and stakeholders) as well as instruments, powers and levels of decision making, but ultimately focus on two main parameters: **governance type** and **governance quality**.

While governance regimes for protected areas are quite diverse all over the world, IUCN and the CBD both recognise that they can be grouped into **four broad governance types**, according to the key actors holding authority and responsibility for the main management decisions affecting the protected area (such as establishing the protected area and determining its management objectives and zoning plan). The four types are:

- **governance by government** (at various levels);
- **shared governance** (i.e., governance by various rightsholders and stakeholders together);
- **governance by private individuals and organisations;** and
- **governance by indigenous peoples and/or local communities.**

Each of these types is introduced and illustrated in this volume with a number of examples.

We then broaden the view to include the landscape and seascape in which protected areas are situated and describe **voluntary and ancillary conservation**, which has received additional visibility in the CBD Strategic Plan for Biodiversity 2011-2020. This includes areas voluntarily conserved by their private landowners, and areas and territories voluntarily

conserved by indigenous peoples and local communities (ICCAs for short). Such places may be recognised as protected areas or complement a country’s protected area system as different, but effective, ways of supporting conservation.

Next we describe the **quality of governance** of a protected area system or specific site in terms of adherence to a set of **IUCN principles of good governance** (equitable and effective governance) in a protected area context: **legitimacy and voice; direction; performance; accountability;** and **fairness and rights**. Annexes<sup>6</sup> set out tools and indicators to assess governance quality.

## Part 2: Towards Effective Action

Part 2 of the Guidelines is action-oriented and outlines a **process for assessing, evaluating and “planning for action”** with a view to **improving governance** for a system of protected areas or a specific site. It sets out an ideal approach, whilst recognising that it may not always be practical or necessary to follow the guidance in detail.

The process consists of: 1) a preparatory workshop for the team that will guide the process; 2) a period for gathering information, identifying needed expertise, promoting awareness of governance issues and supporting the self-organisation of participants; 3) a “core event” through which interested parties pull together the information and expertise needed to assess and evaluate governance and plan for action; and 4) a follow-up period, when action is taken to improve governance.

The **“core event”** comprises one or more workshops designed to help a group of actors and institutions examine governance type and quality. Much of Part 2 of the Guidelines focuses on a proposed methodology for this “core event”.

## A methodology for systems of protected areas

The methodology proposed for a system of protected areas begins with an analysis of the historical, socio-cultural, institutional and legal contexts. It then proceeds with a **spatial analysis of governance** vis-à-vis the **status of conservation** of nature. This requires a large, territorial view of the region or country under consideration, including an assessment of biodiversity and associated ecological and cultural values. It also requires an understanding of where protected areas are located in respect of those values, and of who governs them. If valuable biodiversity is found outside protected areas, it should be clear who conserves it as well. In the broad landscape/seascape there may be territories and areas voluntarily conserved by private actors, indigenous peoples and local communities, and areas conserved in an ancillary way, as a by-product of management objectives that

<sup>6</sup> Available at [www.iucn.org/pa\\_governance](http://www.iucn.org/pa_governance)

may have little to do with conservation (e.g., land used only for military purposes). Voluntary conservation can be recognised and/or rendered more secure by governments. And areas conserved in an ancillary way, which are often already administered by government, can also be better secured and integrated within overall conservation plans.

The analysis can be carried out for a specific region or an entire country. In either case, the focus should be first on **protected areas**, and then on the **“areas of particular importance for biodiversity and ecosystem services”** as mentioned by CBD in its Aichi Target 11 (in this volume we will refer to those as **APIs, for short**). Assessment should begin with a **spatial analysis of conservation status** (e.g., where are the protected areas? where are they “effectively conserving nature and associated values”? where are the APIs? what is the extent and distribution of the overlap between protected areas and APIs? where are these areas “effectively conserved”? where are connectivity values and needs particularly evident? where are damage and threats evident or emerging?). The analysis can then continue by **adding information on governance** (e.g., what is the extent and distribution of governance types for protected areas? what is the extent and distribution of governance types for APIs? what is the quality of governance in protected areas and APIs?).

The coordination and decision-making processes that accompany the governance of a system of protected areas also need to be evaluated and assessed for quality, e.g., vis-à-vis the **IUCN good governance principles**. This can be done by asking questions such as: is the system governed effectively? is it governed equitably? and, is governance achieving concrete benefits in terms of conservation, livelihoods and the respect of rights?

By combining analyses of governance type and quality with spatial analyses of protected areas and APIs, including their conservation status and damage and threats, lessons can be derived (e.g., do governance types and quality relate to the conservation status of APIs, both in protected areas and outside? are connectivity values and needs properly addressed? are damage and threats to nature related to governance problems and conflicts? are there evident opportunities to restore damaged APIs, both within or outside protected areas, or to positively address threats?). Governance recommendations can then be drawn.

## A methodology for individual protected areas

Similarly, when assessing and evaluating governance for a specific site, we recommend beginning with an appraisal of the historical, socio-cultural and legal context. A rightsholders and stakeholders analysis should then be undertaken, identifying local legal and customary rights, interests, concerns and capacities for conservation and sustainable livelihoods. Next, a spatial analysis should reveal the status of conservation of nature and associated values and the **potential for governance innovation for the site or for different management units within the site**.

In terms of governance quality, the **processes of decision-making** for a specific site are usually more easily understood by the concerned actors and institutions than those for a system as a whole. Assessing and evaluating such processes and the related governance characteristics should be undertaken vis-à-vis the **IUCN principles of good governance for protected areas**. Options for improvement can then be identified.

## Moving to action

The assessment and evaluation process should result in a set of conclusions and recommendations spelled out in a **Governance Assessment and Evaluation Report**. Section 10 of Part 2 offers checklists and tools designed to fit the results of the analysis in the **country reports to CBD on the advancement of PoWPA** as well as in CBD reports beyond PoWPA, including National Biodiversity Strategies and Action Plans. The assessment and evaluation process should in fact also result in a **Governance Action Plan**, which is likely to include short, medium and long term components. Such plans could set out the required action at the national system level or at the level of an individual protected area site, as appropriate. In either case, it would be important to link effectively with the landscape/seascape and make sure that governance action is considered beyond the protected area borders. While the report and action plan should have as their first audience authorities and protected area professionals, they should also address the concerns of society at large. In light of the powerful changes affecting the planet, the focus should not be only on **protected areas** but include also **other effective area-based conservation measures**. Both need to be better known, appreciated and safeguarded through **appropriate recognition and support**.

Some protected area professionals may find “governance” a new field of analysis, but we hope they will agree to get to grips with it, as it is likely to become central in dealing with threats to nature and the rapidly evolving social context in which they need to be addressed. Indeed many crises are, and will be, exacerbated by poor governance, and will only be solved through governance that is equitable and effective.

We wish to hear from the users of this volume<sup>7</sup> as they assess, evaluate and improve the ways in which they conserve their precious ecosystems, species, genetic diversity and associated values. The “art of governing” can only be developed and perfected by them.

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<sup>7</sup> Please send your comments to the contacts available at [www.iucn.org/pa\\_governance](http://www.iucn.org/pa_governance).



# The international background to the Guidelines

These Guidelines have been prepared in response to a number of decisions taken at the international level.

The 9th and 10th Conferences of the Parties (COP 9 and COP 10) of the CBD, (held in 2008 and 2010), undertook in-depth reviews of its Programme of Work on Protected Areas (PoWPA). While satisfactory to good progress was noted on several targets and components of the programme, progress on Element 2 on Governance, Participation, Equity and Benefit-Sharing appeared to lag. COP 9 and COP 10 therefore invited Parties to enhance implementation, including through:

- improving, diversifying and strengthening protected-area governance types;
- conducting assessments of governance of protected areas;
- expediting the establishment of multi-sectoral advisory committees to support the implementation of PoWPA; and
- adopting a reporting framework on national implementation of the PoWPA that includes several specific questions on the subject of governance of protected areas.

Specifically, COP 10 also recommended that Parties:

- conduct assessments of governance of protected areas using toolkits prepared by the Secretariat and other organisations;
- conduct capacity building activities on the implementation of Element 2, and especially on governance aspects of protected areas.

COP 10 also adopted a Strategic Plan for Biodiversity 2011-2020, with 20 specific targets, called the “Aichi Targets”. Among those, several have a direct bearing on the governance of protected areas. Target 11 calls for an ambitious expansion of the conservation of areas of particular importance for biodiversity and ecosystem services “... through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures...”. Target 14 calls for the restoration and safeguarding of “... ecosystems that provide essential services, including services related to water, and contribute to health, livelihoods and well-being...taking into account the needs of women, indigenous and local communities, and the poor and vulnerable.” And Target 18 calls for respect for the traditional knowledge, innovations and practices of indigenous peoples and local communities and to “...fully integrate and reflect those in the implementation of the Convention...”

In 2012, COP 11 further stressed that Parties should “renew efforts to establish multi-sectoral committees that include representatives of indigenous peoples and local communities in support of the PoWPA, and continue to conduct

assessment of the governance of protected areas, to improve the management of protected area systems.”

In parallel with the above, IUCN's own policies also developed substantially, from the watershed Durban Accord and Action Plan 2003 to the 2004 World Conservation Congress Resolution on governance of natural resources and other Resolutions on the rights-based approach to conservation and on respecting and upholding the rights and conservation capacities of indigenous peoples and local communities. In 2004, 2008 and 2011, three volumes of IUCN Guidelines brought to the fore the topic of governance of protected areas.<sup>8</sup> Finally, the 2012 Vth World Conservation Congress adopted as IUCN policy that a range of protected area governance types should contribute towards meeting CBD Aichi Target 11; and committed IUCN to help “develop and implement a system for the voluntary appraisal of protected area governance quality to illuminate and communicate innovative and effective approaches to protected area governance”.<sup>9</sup>

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8 Borri-Feyerabend et al., 2004a; Dudley, 2008; Lausche, 2011. The second volume (Dudley, 2008) was endorsed in 2012 as policy of the Union (see IUCN Resolution 5.040).

9 IUCN, 2012b. See also IUCN Resolution 5.036.



# Part 1

## Understanding governance

## SPEAKING CASES

## Our patrimony, for us all to preserve

Aissata Sambou is showing two bags of much appreciated oysters from the lush mangroves of Casamance (Senegal). In the first, the oysters are still in their shells, freshly collected. In the second they are processed—extracted and sun-dried— ready to be consumed raw or in stews. “Our grandmothers used to respect the resting period for the collection of the oysters. From June to December no one would go to catch any type of shellfish, and it was clear that this would leave time for the resources to regenerate. We also had places where we never went because of the spirits. We knew it was foolish to go there... you would have been looking for trouble. But then, many things changed. Many fishermen came from other parts of the country, some started fishing inside the spirits’ bolon and it seemed that our rules were to be forgotten. The fish catch became scarce; people started cutting mangroves to sell the wood, the oysters also suffered. These were difficult years, and no one seemed to know what to do...” Aissata tells the story with evident feelings.

“A few years ago, however, some of our men decided that they could not remain idle while the resources were all but disappearing. They created a fishermen’s association and called many meetings to discuss the situation. They asked the community to agree on respecting the rules again, and to ask the authorities to help us get those respected by outsiders. It was like this that we established our Community Conserved Area, which now covers many bolons... the ones of the spirits but also some closer to the villages where our men fish for local consumption and local markets, with prices our families can afford. We even have a large bolon where everyone can fish, but only if the boat does not have an engine. In Djola we call all this **Kapooye Wafolal Wata Nanang** (“our patrimony, for us all to preserve”), Kawawana for short. There is a group of men who do the surveillance after having received some training by the Fishery Inspector. They were also trained to monitor the fish catch, a few times a year, always in the same places and with the same gear. We, the women, have re-instated the old rules, we sun-dry the oysters, and we are getting organised to sell them together.”

The story of Aissata’s community is most unusual, not only in Casamance but in Africa in general. The fact that it is a true story, however, could indicate an important change in the development of protected areas and their meaning for a variety of communities. This story would not have been possible without Senegal adopting a policy of decentralisation for its natural resources.<sup>10</sup> With that, the lower level of government, or Rural Municipality, is conferred the authority to declare certain areas of land, inland water



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<sup>10</sup> Dieng and Ndiaye, 2012.

and natural resources as Communal Natural Reserves.<sup>11</sup> These Reserves are created for conservation objectives but also to support local livelihoods. In some cases they are even created on the demand of specific communities or groups within the municipality, sometimes to protect sacred natural sites or sites established, restored and managed by local peoples for a mix of conservation, livelihoods and cultural objectives. The latter is exactly what happened with Kawawana, created by the Fishermen Association of the Rural Municipality of Mangagoulack.

Kawawana is an anomaly, since it is the first Communal Natural Reserve in Senegal to encompass a coastal and marine environment. Initially, it even seemed difficult to apply the decentralisation texts to this case. But the Municipal Council did give its approval, as did other authorities. In particular, the Regional Council and Governor of Casamance— aware as much as the local fishermen that something needed to be done to counteract the degradation of marine and coastal resources— officially signed off the creation of Kawawana and expressed their full support for it. They even supported an arrangement under which the newly trained local fishermen are recognised as their sworn auxiliary agents, entitled to carry out surveillance operations and to sequester the fishing gear of violators. With minor financial help from outside, a couple of wooden boats and very small engines are available for their surveillance operations, and they are much used. In a feat of commitment that has not diminished with time, the men regularly go for a collective fishing expedition every time they need to pay for fuel for the surveillance operation.



© gbf, 2011

Aissata adds: “There is so much fish, now, that some men say they have quadrupled the catch. All the types of fish we like to eat the most are back... and even the dolphins are back, the bearers of luck. Some men complain that there are so many dolphins in the river that they damage their nets. The dolphins like the community conserved area as much as we do.... I remember they had nearly disappeared from here but, the night before the official inauguration of Kawawana, when many authorities came from Ziguinchor, the women elders went to place the fetishes that protect Kawawana. The day after, the dolphins came. They greeted the men who were setting the demarcations in place. I see them often when I go to collect oysters. And I see plenty of birds.”<sup>12</sup>



© gbf, 2008

<sup>11</sup> The Rural Municipality in Senegal is called *Communauté Rurale*, and it has the power to create its *Réserves Naturelles Communautaires*.

<sup>12</sup> Aissata Sambou, personal communication, 2011; and Salatou Sambou, personal communication, 2012.

# 1. Key concepts

Wherever decisions are being made and power and authority are exercised, some form of “governance” is in place. This is true for natural resource management in general and for protected areas in particular. The power and the capacity to take decisions have a major influence on the achievement of protected area objectives, the sharing of responsibilities, rights, costs and benefits, and the generation and maintenance of support – be it financial, political, or from the communities in and around the protected areas in question. The process of understanding and, where necessary, improving governance is as the heart of effective conservation.

The CBD’s Programme of Work on Protected Areas (PoWPA) has focused attention to the subject of governance for protected areas and called for all relevant sectors of society, including governments, indigenous peoples and local communities, conservation NGOs and funders, and private actors, to be involved. Some of the concepts that it has introduced are summarised below.

## 1.1 Protected area governance in the CBD PoWPA

The central aim of the PoWPA is to build “a global network of comprehensive, representative and effectively managed national and regional protected area systems”. The adoption of the programme in 2004 represented a historical step in addressing the ethical and practical challenge of the current rapid global decline in biodiversity. The programme goes further than previous global conservation initiatives in bringing governance to the heart of planning and implementation. In their decision to establish the PoWPA, the Parties to the CBD made explicit reference to “poor governance”<sup>13</sup> as one of the obstacles to achieving protected areas objectives. To address this, they stressed a number of key concepts relating to protected areas governance, including:<sup>14</sup>

- **Participation:** ensuring the full and effective participation of relevant rightsholders and stakeholders, including indigenous peoples, local communities and actors entitled because of customary rights and considerations of gender and social equity, in: national reviews of suitable forms of conservation; site-based planning and decision-making; development of national policies; and identification of relevant knowledge, resources and institutions. Where necessary, this should include removing barriers to participation by introducing legislation, policies, capacities and resources so that all rightsholders and stakeholders can participate effectively, if they wish.
- **Innovation:** opening the way for new types of governance for protected areas to be legally recognised, effectively managed and promoted through policy, financial, institutional and community mechanisms. The types include: protected areas governed by government agencies at various levels; protected areas under shared governance; private protected areas; and indigenous peoples and community conserved territories and areas. All of them have potential for achieving biodiversity conservation.
- **Respect:** ensuring attention and respect for the rights, the livelihood needs and the conservation capacities and contributions of people living in and around protected areas, and especially for the local knowledge, practices and institutions of indigenous peoples and local communities.
- **Benefit-Sharing:** ensuring that mechanisms are in place to assess the economic and socio-cultural costs, benefits and impacts arising from the establishment and management of protected areas, and to share those equitably, in particular with indigenous peoples and local communities. The benefits include those related to access to natural resources, including genetic resources, and those to compensate for costs incurred because of conservation regimes, as appropriate.<sup>15</sup> Benefits may or may not take a monetary form.
- **Free, Prior and Informed Consent:** requiring free, prior and informed consent before re-settling indigenous communities or changing their access to natural resources, as a consequence of establishing or managing protected areas, according to national legislation and applicable international obligations.<sup>16</sup>
- **Governance Principles:** following broad “good governance” principles in all decision-making regarding protected areas, including: respect for rights and the rule of law; promotion of constructive dialogue and fair access to information; accountability in decision-making; and existence of institutions and procedures for fair dispute resolution.

<sup>13</sup> CBD Decision VII.28, para 17, Kuala Lumpur, 2004.

<sup>14</sup> Full text of the CBD Programme of Work on Protected Areas available at <http://www.cbd.int/protected/pow/learnmore/intro/>.

<sup>15</sup> These benefits could derive from the use of the genetic resources of the protected areas but also the associated traditional knowledge of the relevant indigenous peoples and local communities.

<sup>16</sup> See CBD Decision VII.28, para 2.2.5, Kuala Lumpur, 2004.



Ruaha National Park in southern Tanzania, just after the rains. © Nigel Dudley.

## 1.2 Protected areas

The International Union for Conservation of Nature (IUCN) defines a protected area as a:

*“...clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values”.*<sup>17</sup>

In order to “unpack” this definition, Table 1 looks at each word or phrase in turn, and the last two columns explore governance issues, posing questions and offering examples that will be developed later in this volume.

Protected areas are an essential component of conservation strategies but, as clearly described in the PoWPA, they must be integrated into the wider landscape and seascape, and into the concerns of the wider society, if they are to be successful in the long term. From Table 1 on the following page, it can be seen that the definition of protected areas encompasses an astonishingly diverse range of situations. It is also clear, however, that some areas, because they do not have an implicit or explicit rationale for biodiversity conservation or do not ensure such conservation in the long term, simply do not fit the definition. In all cases, there are key questions about who takes decisions, and how. These questions need to be properly understood and their implications addressed.



A brown-hooded kingfisher (*Halcyon albiventris*) contemplates life in Conkouati Douli National Park, Republic of the Congo. © Christian Chatelain, 1995.

<sup>17</sup> See Dudley, 2008. Article 2 of the Convention on Biological Diversity defines a protected area as “A geographically defined area which is designated or regulated and managed to achieve specific conservation objectives”. There is tacit agreement between the CBD Secretariat and IUCN that the two definitions are entirely compatible and the CBD Programme of Work on Protected Areas explicitly recognises the IUCN protected area management categories and governance types. The IUCN definition will be used as the basis for these Guidelines.

Table 1. Unpacking the protected area definition to understand its governance dimensions

Terms	What does it mean?	Governance issues	Examples
Clearly defined geographical space	<p>“Space” includes land, inland water, marine and coastal areas or a combination of two or more of these. It also has three dimensions where specific conservation rules may apply, e.g. as when the airspace above a protected area is protected from low-flying aircraft or in marine protected areas when a certain water depth is protected or the seabed is protected but water above is not: conversely subsurface areas sometimes are <i>not</i> protected (e.g. are open for mining). “Clearly defined” implies a spatially defined area with agreed and demarcated borders. These borders can be defined by physical features that move over time (e.g. river banks) or by varying negotiated decisions about management actions (e.g. agreed and physically demarcated no-take zones).</p>	<p>Who defines the geographical space that is to be “protected”?</p> <p>Who traces and demarcates the borders?</p> <p>Who can modify that, and how?</p>	<p>As for many conserved indigenous territories throughout the world, the Tla-o-qui-aht Tribal Parks in British Columbia are management units, based on landscape features and a long history of relationships among concerned communities and with natural resources, such as watersheds defined by the Ancestors and adapted to today’s situation.</p> <p>Mearns Island, part of the Tla-o-qui-aht traditional territory, was formally declared a Tribal Park in 1984, by a pronouncement of the Hāwiih hereditary chiefs. In 2007, the Tla-o-qui-aht First Nations took several more steps to formalise several watersheds as Tribal Parks.<sup>18</sup></p>
Recognised	<p>Protection can include a range of governance types declared by people as well as those identified by the government. All such sites, however, should be recognised through legal or other effective means (e.g. through listing on the World Database on Protected Areas) so providing added protection against threats.</p>	<p>How is the protected area recognised? By whom? Consider informal and formal recognition modalities and different levels of recognition, including:</p> <ul style="list-style-type: none"> <li>• by society in general</li> <li>• by local customary and/or legal authorities</li> <li>• by national authorities</li> <li>• by multi-country governmental bodies</li> </ul>	<p>Keoladeo National Park was initially set up as a duck-hunting reserve for the local Maharajas, and is now recognised by the Indian government as a National Park and by UNESCO as a World Heritage Site.</p> <p>Anindilyakwa Indigenous Protected Area (IPA) was self-declared by aboriginal communities in the Groote Eylandt archipelago, one of many self-declared IPAs recognised by the Australian government.<sup>19</sup></p> <p>Khonoma Nature Conservancy in Nagaland (India) was established by a Village Council. It is now recognised by the State administration, which provides a beneficiary scheme, and by the conservation community, which has listed the conservancy as an Important Bird Area.</p>
Dedicated	<p>Implies a specific binding commitment to conservation in the long term, through, e.g.:</p> <ul style="list-style-type: none"> <li>• International conventions and agreements</li> <li>• Supranational agreements (e.g., for the European Union)</li> <li>• National, provincial and local law</li> <li>• Customary law</li> <li>• Covenants of NGOs</li> <li>• Private trusts and company policies</li> <li>• Certification schemes</li> </ul>	<p>Who “dedicates” the land and resources to conservation? How?</p> <p>Through legal means? Through customary laws and rules?</p> <p>Is the decision imposed by law? Is it voluntary?<sup>20</sup></p>	<p>In Argentina, several landowners at the border with El Rey National Park participated in the development of the management plan for the government protected area, which is quite small (55,000 ha) but very important for the protection of headwaters, tapirs and other mammals and the high diversity of birds in the Chaco-Yungas Corridor. As there is no official buffer zone, the landowners bordering El Rey grouped together and voluntarily agreed to dedicate much of their land to conservation objectives.</p>
Managed	<p>Assumes some active steps to conserve the natural (and possibly other) values for which the protected area was established; note that “managed” can include a range of strategies, from leaving the area completely inviolate, to taking action on various issues, including resource use, habitat maintenance and restoration, etc. The term “active management” is sometimes used to characterise the latter.<sup>21</sup></p>	<p>Who develops and approves the natural resources rules, or the management plan, where it exists?</p> <p>Who appoints the managers in charge of implementing the rules and/or plan?</p> <p>What is the managers’ scope of decisions in interpreting the rules and/or plan?</p>	<p>The management plan for Apaporis National Park, Colombia, is being jointly developed by the local indigenous authorities and the National Parks Office.</p> <p>In Belize, the government devolves protected area management responsibilities to community organisations and/or NGOs, such as the Belize Audubon Society, which is in charge of Guanacaste National Park.</p> <p>In the Archipelago National Park, in Finland, farmers who manage their land in traditional ways are called in by the national agency to help maintain the flowering species associated with meadows.</p>

18 Tla-o-qui-aht First Nations, 2012.

19 Australian government, 2012.

20 Lausche, 2011.

21 Lausche *et al.*, 2013.



Terms	What does it mean?	Governance issues	Examples
Legal or other effective means	Means that protected areas must either be gazetted (that is, recognised under statutory civil law), recognised through an international convention or agreement, or else managed through other effective means, such as decisions by a landowner, traditional rules for a community conserved area, or policies of non-governmental organisations.	<p>Are the authority, responsibility and accountability concerning the area codified in legislation?</p> <p>Are they regulated by specific agreements or customary processes, institutions and means?</p> <p>How are rules formed and enforced?</p>	Kawawana, a community conserved area in Casamance (Senegal), was established and conserved voluntarily by local people—women who placed visible fetishes in entry areas and men who carried out surveillance operations. The Regional Council, Governor and national fisheries authorities subsequently added their backing and the community organisation that created Kawawana has now the power to enforce national and local fishing rules, and to sequester the gear of fishermen who violate these rules.
To achieve	Implies some level of effectiveness – an element strongly requested by many protected area managers and others. Although management category will still be determined by main objective, management effectiveness will progressively be recorded on the World Database on Protected Areas and, over time, will become a contributory criterion of identification and recognition.	<p>Who decides how to implement the management plan or rules?</p> <p>Who decides what is “effective”?</p> <p>Who defines the indicators?</p> <p>Who is in charge of monitoring and evaluating the results?</p> <p>Who decides about eventual needed changes in the management plan or practices?</p>	The decisions of the CBD require Parties to carry out management effectiveness assessments. In Dhimurru, an Indigenous Protected Area in northern Australia, a combination of traditional ecological knowledge and wildlife monitoring has supported the adaptive management of sea turtles and maintained their population even during times of important environmental change. <sup>22</sup>
Long-term	Protected areas should be managed in perpetuity and not as a short-term or temporary management strategy.	<p>Who developed the vision of what the protected area should be like “in the long term”?</p> <p>What does “long-term” actually mean?</p> <p>What guarantees are in place that the protected area will actually exist in the long term?</p> <p>Who will be accountable for this?</p>	<p>Countries differ in their ways of addressing this issue.</p> <p>Colombia has put into its Constitution the “perpetuity”<sup>23</sup> of national parks</p> <p>In Switzerland, cantons vote every 25 years whether to remain within some of the country’s protected landscapes.</p>
Conservation	<p>In the context of this definition, conservation refers to the in-situ maintenance of ecosystems and natural and semi-natural habitats and of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the areas where they developed their distinctive properties.</p> <p>As noted in the World Conservation Strategy of 1980, this can be achieved by the preservation, sustainable use, restoration and enhancement of natural environments.</p>	Who decides what should primarily be conserved and how?	Somiedo Natural Park in Spain focuses on maintaining viable populations of bears and capercaillies, but also on the wider aims of preserving the entire functioning ecosystem. Management plans were drawn up in close cooperation with people in the community, particularly about issues relating to farming and ecotourism. <sup>24</sup>
Nature	In this context nature always refers to biodiversity, at genetic, species and ecosystem level, and often also refers to geodiversity, landform and broader natural values at landscape/ seascape level.	<p>Whose definition of “nature”<sup>25</sup> is applied?</p> <p>Who interprets the definition for application to specific policies, mandates or sites?</p>	While many different interpretations of nature exist, biodiversity and cultural and spiritual values often do coincide. <sup>26</sup> For instance, as of 2012, a large number of Key Biodiversity Areas in the Philippines were found to overlap with areas of spiritual significance for indigenous peoples. <sup>27</sup>

<sup>22</sup> Hoffman *et al.*, 2012.

<sup>23</sup> More precisely, the term in Article 63 of the Colombian Constitution means that land “cannot be sold, prescribed or confiscated” or, in other words, that “no end date is set” for protected areas (“*Public goods, natural parks, the common lands of indigenous peoples, the resguardos and the archeological patrimony of the nation and other goods determined by the law cannot be sold, prescribed or confiscated.*”) (Juan Carlos Riascos, personal communication, 2012).

<sup>24</sup> Alba, 2012.

<sup>25</sup> A broad comparative analysis of the meaning of ‘nature’ in different cultures is under preparation (Josep-Maria Mallarach and Veronica Sartore, personal communication, 2012).

<sup>26</sup> Mallarach, 2012.

<sup>27</sup> Nelson Devanadera (protected areas and Wildlife Bureau), communication at the Conference “*Nature in the Footsteps of our Ancestors*” Manila, March 2012.

Terms	What does it mean?	Governance issues	Examples
Associated ecosystem services	Means here ecosystem services that are related to, but do not interfere with, the aim of nature conservation. These can include provisioning services, such as food and water; regulating services, such as regulation of floods, drought, land degradation, and disease; supporting services, such as soil formation and nutrient cycling; and cultural services, such as recreational, spiritual, religious and other non-material benefits.	Who benefits from such “services”?  Who carries the burden of maintaining them, including the related opportunity costs?	About 80 per cent of the resident population of Quito (Ecuador) receive drinking water from two protected areas: Antisana and Cayambe-Coca Reserves. The water company pays local communities to keep forested watersheds intact.  The Sundarbans National Park in Bangladesh (Category IV) helps to protect the coast against flooding. Unfortunately, only local communities appear to bear the blunt of the opportunity costs of not using the Park’s resources, while animal conservation within the Park benefits a much larger array of stakeholders.
Cultural values	Includes those that do not interfere with the conservation outcome (all cultural values in a protected area should meet this criterion), including in particular: those that contribute to conservation outcomes (e.g. traditional management practices on which key species have become reliant); and those that are themselves under threat.	Whose culture?  Who benefits from the conserved “cultural values”?  How are decisions taken to conserve or promote certain cultural values instead of others?	Jiuzhaigou National Park (China), receives three million visitors a year. As a result, the livelihoods of the inhabitants of the valley, have drastically changed in recent decades. While traditional activities (e.g., grazing) have been forbidden inside the park, new activities (e.g., picture taking of tourists with traditional costume attires) have emerged, accelerating profound changes in the local culture.  Many indigenous peoples— in the Amazon, Central Africa and the Pacific— have world views more complex than simple separations of “nature” and “culture”; <sup>28</sup> their conceptual and practical divide from the conservation community likely to use this volume needs to be understood and appreciated.

## 1.3 IUCN protected area management categories

Because protected areas are established for a variety of reasons, IUCN identifies six categories of protected areas based on their main management objectives, and the PoWPA invites Parties to the CBD to apply these categories to their systems of protected areas. The categories are useful as the global standard for defining, recording and communicating about protected areas, and are the basis for listing in the UN List of Protected Areas and the World Database on Protected Areas (WDPA) maintained by IUCN and the UNEP World Conservation Monitoring Centre (UNEP-WCMC).

The names given to each of the categories in the tabel below are for international use. In practice, every country and region in the world has different ways of identifying and designating protected areas in terrestrial, freshwater and coastal and marine environments, and so there are hundreds of names given to individual forms of protected areas, including “national parks”, “nature reserves”, “community conserved areas”, “forest reserves”, “marine sanctuaries” and the like. A number of international initiatives to protect key habitats have created further designations such as Biosphere Reserves, World Heritage Sites, Wetlands of International Importance (Ramsar sites) or Key Biodiversity Areas.<sup>29</sup> The set of management categories in Table 2 provides a universal or “common

language” for describing protected areas at the global scale, irrespective of their designation or description. Once classified in terms of the IUCN category system, protected areas can more easily be grouped and compared, allowing a better understanding of the nature and extent of protection on a national, regional and global basis. In some cases, complexes of protected areas (such as biosphere reserves or transboundary conservation areas) will include protected areas of different categories.

Although specific management objectives are mentioned in Table 2, it is generally understood that any area that is declared a protected area *under any of the above categories* should aim to fulfil the following objectives:<sup>30</sup>

- conserve the composition, structure, function and evolutionary potential of biodiversity;
- contribute to regional conservation strategies (as core reserves, buffer zones, corridors, stepping-stones for migratory species etc.);
- maintain diversity of landscape or habitat and of associated species and ecosystems;
- be of sufficient size to ensure the integrity and long-term maintenance of the specified conservation targets or be capable of being increased to achieve this end;
- maintain in perpetuity the values for which it was assigned;
- operate under the guidance of a management plan, and a monitoring and evaluation programme that supports adaptive management;
- possess a clear, effective and equitable governance system.

<sup>28</sup> Viveiros de Castro, 2012.

<sup>29</sup> Key Biodiversity Area is a term that does not yet have a commonly accepted definition by IUCN or CBD, but has been used frequently, including by the IUCN.

<sup>30</sup> Dudley, 2008.



Many indigenous peoples have world views more complex than simple separations of “nature” and “culture”. In the Bijagos archipelago of Guinea Bissau, this dance transforms people into swordfish, sharks and other marine creatures. © gbf, 2009.

Table 2. **IUCN Categories of protected areas**

Protected Area Category and International Name	Management Objectives
Ia - Strict Nature Reserve	Strictly protected areas set aside to conserve biodiversity and, possibly, geological/geomorphological features, where human visitation, use and impacts are strictly controlled and limited to ensure protection of the conservation values. They serve as indispensable reference areas for scientific research and monitoring.
Ib – Wilderness Area	Large unmodified or slightly modified areas, retaining their natural character and influence, without permanent or significant human habitation, which are protected and managed so as to preserve their natural condition.
II – National Park (ecosystem protection; protection of cultural values)	Large natural or near natural areas set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristic of the area, which also provide a foundation for environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities.
III – Natural Monument	Areas are set aside to protect a specific natural monument, such as a landform, sea mount, a cave or even a living feature such as an ancient grove. They are generally quite small areas and often have high visitor, historical or cultural value.
IV – Habitat/ Species Management	Areas dedicated to the conservation of particular species or habitats. Many Category IV protected areas need regular, active management interventions to meet their objective.
V – Protected Landscape/ Seascape	An area where the interaction of people and nature over time has produced a distinct character and significant ecological, biological, cultural and scenic values, and where safeguarding the integrity of this interaction is vital to conserving nature and sustaining other values.
VI – Protected Area with Sustainable Use of Natural Resources	Protected areas that conserve ecosystems and habitats, together with associated cultural values and traditional natural resource management systems. They are generally large, with most of the area in a natural condition and part under sustainable natural resource management. Low-level non-industrial use of natural resources compatible with nature conservation is seen as one of the main aims of this type of protected areas.



A governing body is usually responsible to pursue a given mission or set of objectives. © Stan Jones.

All protected areas should also aim, as appropriate, to:

- conserve significant landscape features, geomorphology and geology;
- provide regulatory ecosystem services, including buffering against the impacts of climate change;
- conserve natural and scenic areas of national and international significance for cultural, spiritual and scientific purposes;
- deliver sustainable benefits to resident and local communities consistent with the other objectives of management;
- deliver recreational benefits consistent with the other objectives of management;
- facilitate low-impact scientific research activities and ecological monitoring related to and consistent with the values of the protected area;
- use adaptive management strategies to improve management effectiveness and governance quality over time;
- help to provide educational opportunities (including about management approaches)
- help to develop public support for conservation.

such an analysis, but rather, as Part 2 of these Guidelines will show, insights arise when an analysis of types and quality of governance is combined with a spatial analysis of conservation status, damages and threats for protected areas and other effective conservation measures in the landscape/ seascape. Moreover, our understanding of governance changes as all these parameters change with time: the roles of the actors, the instruments and powers at their disposal, and the decision-making levels at which they engage. Because of this, governance is more akin to a **process** than to a fixed state of affairs.

Governance and management are closely linked, but – as Table 3 shows - can be distinguished. That distinction helps clarify what governance is about.<sup>33</sup>

**Governance**  
 The interactions among structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken and how citizens or other stakeholders have their say.<sup>32</sup>

## 1.4 Protected area governance

During the past decade, the term “governance” has grown in importance and is used in many contexts,<sup>31</sup> including that of protected areas. As defined in the box on the side, it refers to principles, policies and rules regarding decision-making—all clearly relevant in the case of protected areas. The concept, however, is so rich that, like the concept of a protected area itself, it needs to be “unpacked” for meaningful understanding.

In the sections that follow, we consider several ways in which governance can be analysed: by **key actors (rightsholders and stakeholders)**; by **instruments and powers**; and by **levels of decision making**. No single indicator emerges from

Managing any protected area engages different actors, instruments and powers and is embedded in multiple levels of rules and decision-making – from international policy frameworks to national budgetary agreements, from regional land use plans to day-to-day decisions affecting the livelihoods of people resident in and near the protected areas.<sup>34</sup> Thus governance decisions are made about different issues by different institutions: for example, one agency may establish the protected area, another may institute zoning and associated regulations, and a third may enforce human rights laws or endangered species legislation. Questions of

<sup>32</sup> Graham *et al.*, 2003.

<sup>33</sup> Borri-Feyerabend, 2003.

<sup>34</sup> Some stress that a distinction should be made among the substantive rights, procedural rights and competences that affect decisions (Alexander Paterson, personal communication, 2012).

<sup>31</sup> For broad reviews, see Weiss, 2000 and Kitthananan, 2006.

Table 3. What is the difference between management and governance?

<b>Management</b>	...is about...	<ul style="list-style-type: none"> <li>- <b>what is done</b> in pursuit of given objectives</li> <li>- <b>the means and actions</b> to achieve such objectives</li> </ul>
<b>Governance</b>	...is about...	<ul style="list-style-type: none"> <li>- <b>who decides</b> what <b>the objectives</b> are, <b>what to do to</b> pursue them, and with <b>what means</b></li> <li>- <b>how</b> those decisions are taken</li> <li>- who holds <b>power, authority and responsibility</b></li> <li>- who is (or should be) held <b>accountable</b></li> </ul>

legal and customary tenure (for example who holds the legal or customary rights over land and resources), are obviously important, but not the sole determinant of governance.<sup>35</sup> In fact, a mix of tenure systems is often present in protected areas under various governance regimes. But while legal, customary and socio-political influences vary greatly, the **key governance decisions** for a protected area are those that most directly relate to biodiversity, natural resources and people. These decisions<sup>36</sup> include:

- establishing that the territory or marine area will be “conserved”<sup>37</sup>, and clarifying its overall extension and perimeter;
- establishing its long term goal (vision), main management objective (and IUCN management category) and how those will relate to local livelihoods and development;
- establishing a zoning system for the area, possibly including different governance and management rules;<sup>38</sup>
- sanctioning a management plan and/or rules, deciding who will implement them and ensuring the human and financial resources to pursue the management objectives and/or enforce the rules;
- establishing how to monitor, evaluate and adjust the management plan and implementation process in light of results (adaptive management);
- establishing how the rule of law and broader international legislation (including human and indigenous peoples’ rights) are to be respected and enforced in and around the protected area.

These decisions are crucial for the achievement of the objectives of the protected area (management effectiveness),<sup>39</sup> determine the sharing of relevant costs and benefits (equity), help to prevent or manage social conflicts, and affect the level of support extended to the protected area by governmental agencies, politicians, the private sector and the people and communities most directly concerned. The central question is: **who holds authority and responsibility and can be held accountable for the key decisions for a given protected area according to legal, customary or otherwise**

**legitimate means?**<sup>40</sup> But governance is not only about who holds authority *de jure*, but also who makes decisions *de facto*; and about how these decisions are made. So questions of governance go beyond a formal attribution of authority and responsibility; they also include questions about both formal and informal processes of taking decisions, and the roles of formal, customary and culture-specific institutions. For instance, in the Democratic Republic of Congo (DRC) protected areas are formally under the control of the Congolese Nature Conservation Institute and follow national priorities determined through science-based procedures. *De facto*, however, some protected areas are at the mercy of poachers and guerrilla forces, and much of the conservation

**De jure or de facto?**

We use these terms to distinguish between what is prescribed and recognised by the law (*de jure*) and what actually does happen in real life (*de facto*). The terms mean “in law” and “in practice”, respectively.



A sacred water source found within a state protected area in Cambodia; while protected *de jure*, it was contaminated *de facto* because of prospection and explorations by extractive industries. © gbf, 2004.

35 Lausche, 2011, pag. 99. Readers are encouraged to consult this volume, which addresses governance from the legal perspective as part of more broadly-described legal systems.

36 Not that all these decisions need to be taken in all cases. Many protected areas do not have a management plan, nor a zoning or monitoring system or mechanisms for compliance with national or international laws.

37 We refer here to the definition of conservation included in the World Conservation Strategy (IUCN, UNEP and WWF, 1980), see Section 2 below.

38 For instance, different actors with authority on the rules of access to natural resources or with surveillance and monitoring responsibilities for different zones. In fact, management zones with different IUCN governance types can be embedded within the same protected area (see Section 4).

39 Leverington et al., 2010.

40 SCBD, 2004, page 100. Some authors developed much more complex and sophisticated typologies involving combinations of multiple variables, such as “ownership”, “source of income” and “management body” (Eagles, 2009) or “source”, “allocation”, and “exercise of authority” within a protected area (Paterson, 2011). Those typologies provide finer distinctions among governance types, but do not lend themselves easily to wide applicability and use.



Itebero is a village at the border of Kahuzi Biega National Park, in the Democratic Republic of Congo. The local Batwa population has knowledge, skills and capacities that can be most valuable for the governance, management and surveillance of the Park. © Christian Chatelain, 2013.

activity that takes place in such areas is carried out by local communities and indigenous peoples according to traditional practices and rules (e.g., strict respect for certain animals or sites). In this sense, conservation *de facto* may be less effective than that prescribed by the law (because the law is not enforced due to violence, lack of capacity, the absence of political will, corruption, etc.). But sometime it may go beyond the law, by commanding respect for extremely strict rules, as sometimes happens when communities take initiatives on their own.<sup>41</sup> While conflict situations like this one are extreme, it is not unusual to find a disparity between *de jure* rules and *de facto* practice.

The governance of a system of protected areas or of a specific site should be assessed, evaluated and where possible improved so that it better works for conservation and has a more equitable impact on livelihoods. To keep assessments and evaluations as simple as possible, we recommend using two main dimensions<sup>42</sup>: i) the **type of governance of the protected area**, i.e. who holds authority, responsibility and accountability for the key decisions, regardless of the process used; and ii) the **quality of governance**, i.e., how far agreed principles are followed in the process of making decisions.

While governance regimes for protected areas vary greatly around the world, IUCN and the CBD distinguish **four** broad **governance types**:

- governance **by government** (at various levels and possibly combining various institutions)
- governance **by various rightsholders and stakeholders together** (shared governance)
- governance **by private individuals and organisations**
- governance **by indigenous peoples and/or local communities**

The **quality of governance** of a protected area, or of a protected area system, can be evaluated against a number of broad principles of good governance that have been developed by a variety of people, nations and UN agencies. The simpler and more compact formulation of such principles, which we refer to as “IUCN principles of good governance for protected areas” and which we recommend in these Guidelines, includes:<sup>43</sup>

- **legitimacy and voice**
- **direction**
- **performance**
- **accountability**
- **fairness and rights**

Governance types and quality will be described more in detail in Sections 3 to 6.

41 Barbara Lausche, personal communication, 2012.

42 This was first clarified in the eve of, and follow-up to, the 2003 Durban World Parks Congress (Institute of Governance, 2002; Borrini-Feyerabend *et al.*, 2002; SCBD, 2004) and more recently elaborated upon by Dudley (2008) and Lausche (2011).

43 Graham *et al.*, 2003; Borrini-Feyerabend *et al.*, 2006; Eagles, 2009.

## 2. Conservation, protected areas and governance

The capacity of nature to regenerate and maintain itself is the essence of life on our planet. Keeping this in mind, we can best understand the meaning of “**conservation**” of nature, which, according to the World Conservation Strategy of 1980, includes the “preservation, maintenance, sustainable utilisation, restoration, and enhancement of the natural environment”.<sup>44</sup> Preservation or **protection** is a conscious effort to avoid or limit damage to nature’s capacity to self-regenerate. **Sustainable use** strives for the maintenance of renewable resources while making use of them for the benefit of people. And **restoration** and **enhancement** attempt the recovery of degraded ecosystems into healthier and more sustainable conditions, for instance via reforestation with locally native species or improvement of habitats for greater resilience or authenticity.<sup>45</sup>

Conservation generally happens as a result of conscious and purposeful management efforts, but it can also be the unintended outcome of other intentions. It is also a dynamic phenomenon, varying through time as a response to change in internal and external circumstances. Why and how conservation takes place strongly depends on human worldviews and values, knowledge and skills, policies and practices, which combine into a variety of “human institutions” (see Box 1).

In terms of conservation efforts by governments, protected areas are without doubt among the most important “institutions” ever devised. The vast majority of national governments are today committed to meeting conservation goals and for this many of them largely rely on protected areas, whose coverage is meant to include representative samples of all the main ecosystems, habitats and landscapes on the planet.<sup>46</sup>

Today, government-designated protected areas cover more than 12% of the world terrestrial surface.<sup>47</sup> But while they are indeed a major feature on the conservation scene, they are not alone in contributing to the conservation of nature. If a country follows the IUCN definition of a protected area<sup>48</sup> it should formally recognise as protected areas those sites that meet the IUCN definition, including the fact of being managed with the *primary* objective of nature conservation, regardless of their governance. This leaves out areas and resources that are conserved incidentally or as a secondary rather than primary consideration, such as: a wildlife reserve set up primarily as a business by its private landowner; a sacred site protected as “home of the ancestors”; a fishery managed by a community to exploit lobsters for the international market; or a military site



Community members engage in coastal habitat restoration in Miyako, Iwate prefecture, Japan. © Satoshi Yoshinaga.

with forbidden entry for security reasons. Depending on a variety of circumstance, these areas that result in secondary but effective and lasting conservation outcomes may, at some point, evolve to be recognised as protected areas in formal systems. Or they may simply remain effective conservation measures in their own right. Thus, areas that do *not* fit the IUCN definition of a protected area, for instance those where conservation is achieved incidentally or as a secondary consideration, can also contribute to conservation.

Even the most optimistic scenario for protected area designation foresees that a great part of territories and areas that include valuable natural ecosystems and associated cultural values will remain outside national protected area systems. If managed appropriately, however, they should be able contribute to biodiversity conservation, the functioning of ecosystems and sustainable livelihoods. Figure 1 illustrates a variety of area-based measures that can exist separately or overlap in the landscape. Some of these are already, or could in the future, be recognised as protected areas. All such measures, however, whether formally recognised as protected areas or not, can contribute to conservation. Overarching vision, policy

44 “Conservation is the management of human use of the biosphere so that it may yield the greatest sustainable benefit to present generations while maintaining its potential to meet the needs and aspirations of future generations. Thus conservation is positive, embracing preservation, maintenance, sustainable utilization, restoration, and enhancement of the natural environment”. Para 4 of IUCN, UNEP and WWF, 1980.

45 Dudley, 2011.

46 See SCBD, 2010 and the online resources of the World Database on Protected Areas.

47 SCBD, 2010. See also [www.protectedplanet.net](http://www.protectedplanet.net)

48 See Table 1 in section 1.2.



In many industrialised countries, the drive for conservation of nature often owes more to ethical and recreational motivations than to securing livelihoods. © Wet Tropics Management Authority of Australia.

### Box 1

#### Human institutions for conservation

Throughout history, human cultures have paid great attention to their relationship with the natural environment. Among those that did not, or did not sufficiently, some were severely punished and others even collapsed.<sup>49</sup> The variety of human institutions specifically devised to take care of this relationship is enormous and beyond the scope of our analysis. Two examples:

- Throughout the rural villages of West Africa some families/clans are traditionally devoted to maintaining the spiritual ties between nature and people. These families— called by different ethnic groups *Balobero*, *Tigatu*, *Tendaana*, etc.— are descendents of the original inhabitants of the place and remain in charge of distributing land for people to cultivate according to their needs. They also maintain sacred groves and other forested areas (referred sometimes as “the skin of the earth”) and regulate access to wild products.
- For many Asian people the religious calendars and the calendars for water sharing and rice cultivation match perfectly, such as in the hilly island of Bali, where optimal use of water can be obtained only by carefully timing rice cultivation in different fields on a rotational cycle: so when fields at the top are flooded and prepared for planting, crops need to be well-advanced in the middle terraces and already harvested in the lower ones. Such well-timed cycles require close co-operation among all

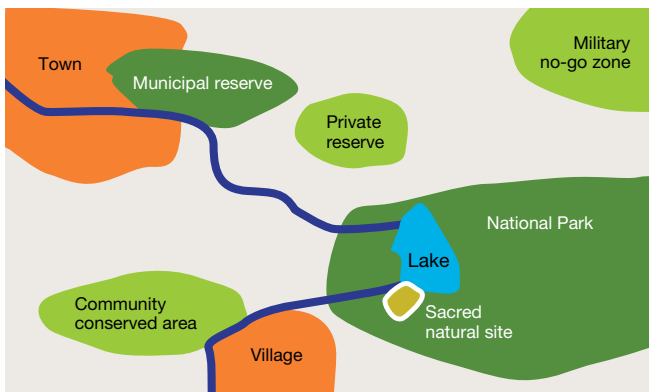
farmers in the *subak* (irrigation societies) that work under the transcendent authority of Dewi Sri, goddess of rice and fertility. Every stage of water sharing is marked by a ritual ceremony, held in the temples at the top of the water flow and in the shrines interspersed among the rice terraces. The ceremonies are scheduled according to the Balinese calendar (the Balinese year has 210 days, exactly the double of the local cycle for growing rice), and at each ceremony *subak* farmers are reminded of the timings and sequence of the water flows. Thus religious occasions, water management practice, rice production, spiritual life and social reciprocities all merge to sustain livelihoods and agro-biodiversity.<sup>50</sup>

As societies have become less directly dependent on natural resources, the reasons for conservation, and the human institutions in charge of it, have also evolved. In Western Europe, North America and other industrialised countries, the drive for “conservation of nature” often owes more to ethical and recreational motivations than to securing livelihoods. New institutions develop to convey and defend such values, often associated with non-profit organisations and trusts. The emergence of this kind of institution appears to be associated with increasing affluence, and with the fact that people who spend much of their lives in urban areas and artificial environments feel a need to preserve, and have access to natural spaces, for reconnection and recreation.

49 Diamond, 2005.

50 Reader, 1990.





**Figure 1. A variety of area-based measures contribute to conservation and need appropriate governance.** In this fictitious example in an imaginary country, areas depicted in deep green are recognised as protected areas, while areas in light green are not. The sacred natural site within the government-governed National Park is also recognised as a community conserved area through specific provisions between the park managers and the village traditional leaders. Fairly regular meetings are held among the park agency, the landowner who established the private reserve, the municipal government and the village traditional leaders. The meetings discuss biological connectivity (e.g., protecting riverbanks and nesting habitats) but also issues of general economy and culture (e.g., facilitating tourist access to scenic areas while safeguarding sacred sites). Occasionally, the officers in charge of the restricted military area also participate.

and regulations<sup>51</sup> may be needed for effective integration and mutual support. And an assessment of governance arrangements and conservation outcomes can help determine if and how they may be recognised and supported.

Recently, the CBD Parties responded to the complexity depicted in Fig. 1 when they adopted CBD Aichi Target 11<sup>52</sup> and stated that they aim at expanding and consolidating the coverage of officially recognised protected areas as well as supporting “other effective area-based conservation measures”. Achieving increased coverage, representativeness, effectiveness and equity through formally designated protected areas alone will, in many cases, be virtually impossible. But reaching Target 11 will still be possible if action is taken to involve a broad range of rightsholders and stakeholders; to diversify the governance types represented in protected areas systems; to expand, enhance, recognise and support conservation efforts inside and outside such systems; and to improve management effectiveness and quality of governance for both officially recognised protected areas and “other effective area-based conservation measures”.<sup>53</sup> The challenge in taking this broad approach is to ensure that the expanded coverage does indeed conserve nature and that it will keep doing so in the long term.

51 Some speak of a “new social compact” between different rightsholders and duty-bearers for conservation, especially in view of the requirements posed by an in-depth understanding of connectivity in the landscape/seascape (Nigel Crawhall, personal communication, 2012).

52 Aichi Biodiversity Target 11 of the CBD Strategic Plan 2011-2020 states that “by 2020, at least 17% of terrestrial and inland water, and 10% of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are [to be] conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscape and seascape.”

53 The latter may include areas that meet the protected area definition without having been recognised or reported.

## 2.1 Actors involved in governing protected areas

Those involved in protected area governance include a broad variety of actors, from staff of government agencies and ministries at various levels to elected and traditional authorities, from indigenous peoples and local communities to private landowners, businesses, non-profit trusts, staff of NGOs and international agencies, professional organisations, religious and educational organizations, etc. Often, all actors possessing significant interests and concerns are subsumed under the broad concept of “stakeholders”. It is more precise, however, and more in line with the rights-based approach embraced by the IUCN,<sup>54</sup> to refer to them as “rightsholders” and “stakeholders”, the distinction depending on the context and the applicable international and national legislation and customary practice.<sup>55</sup>

### Rightsholders and stakeholders

In the context of protected areas, we refer to “**rightsholders**” as actors socially endowed with legal or customary rights with respect to land, water and natural resources. “**Stakeholders**” possess direct or indirect interests and concerns about those, but do not necessarily enjoy a legally or socially recognised entitlement to them.

Designating a protected area usually entails new or enhanced regulations and restrictions on aspects such as access to natural resources and development activities. Who decides on these restrictions? How do people who depend (directly or indirectly) on the concerned land and resources have a say in the matter? More broadly, who is or should be entitled to take part in establishing and governing protected areas? Different rightsholders and stakeholders are, or assert that they should be, involved in governing protected areas for a variety of reasons, including:<sup>56</sup>

- ownership or legally recognised access and user rights to the concerned land, water and/or natural resources;
- customary rights of ownership, governance, access and use of the land, water and natural resources (even if not legally recognised);
- historic, cultural and spiritual or recreational association with the land, water and natural resources, which may confer governance, access, use or other rights;

54 See IUCN, 2008a and Campese *et al.*, 2007.

55 See Janki, 2009; Campese *et al.*, 2009; and, more broadly, Lausche, 2001. The definition in the box refers to “society”, a concept that may extend to the international arena, as in the case of indigenous peoples and their internationally-recognised unique rights. Interestingly, the notion of rightsholders recalls the one of duty-bearers, i.e. those responsible for the realisation of the rights, which is clearly associated in the case of human rights but is now also being explored in the environmental arena (see Campese *et al.*, 2007; Sikor and Stahl, 2011).

56 Adapted from Borrini-Feyerabend, 1996; see also Paterson, 2011. Paterson stresses that important distinctions can be made about substantive rights (e.g., land ownership, customary use rights), procedural rights (e.g., the right to participate in decision-making or to challenge decisions) and competence (e.g., allocated authority to administer laws of relevance to protected areas). He also notes that this distinction interplays with site specific issues, including tenure, management (*de facto* and *de jure*) and benefits to communities (Alexander Paterson, personal communication, 2012).



The Indian Forest Rights Act of 2006 can legally recognise voluntary conservation by scheduled tribes and other forest dwellers. This could be (but not yet is) the case for the Kattunaickan people in the buffer zone of Mudumalai National Park (The Nilgiris, India). © Ullash Kumar, 2010.

- continuity of relationship (e.g. of long-term residents and resource users), which may confer governance, occupation, use or other rights;
- direct dependence on the land, water and natural resources for subsistence and/or basic income;
- incurred losses, damages and other costs due to the establishment of a protected area, which may confer compensation entitlements;
- high commitment and efforts invested in the area towards its conservation, which may confer merit or compensation entitlements;
- specific governance mandate assigned by legislation and/or through elections in democratic systems;
- possession of knowledge and skills uniquely valuable for informed decision-making;
- specific mission and/or mandate to implement national or international conservation and development policies, conventions and agreements; and
- representation of non-local interests of relevance to protected areas, e.g. with respect to biodiversity conservation and ecosystem benefits such as water, climate, disaster prevention.

In response to the goals of the PoWPA and Target 11 of the Strategic Plan for Biodiversity, many governments now recognise some or all of the above rights and entitlements and are committed to introduce governance arrangements for protected areas which reflect them. A spectrum of governmental and non-governmental actors can thus be

identified as rightsholders and stakeholders and possibly involved in protected area governance.

### Governmental actors include:

- protected area managers and staff (government personnel or contracted);
- local elected authorities;
- local appointed authorities;
- national or sub-national agencies responsible for protected area systems (including parastatal agencies);
- CBD national focal points, and in particular the PoWPA focal point;
- legislators, law enforcement agencies and the judiciary;
- agencies and staff from various government sectors directly concerning natural resources (e.g., water, agriculture, forestry, fisheries, research) or able to affect them (e.g., finance, trade, infrastructure);
- government departments and government-run commercial enterprises interested in natural resources, e.g., for the provision of food, timber and water, and for disaster mitigation; and
- tribal governments and governments of first nations recognised at national or federal level.<sup>57</sup>

<sup>57</sup> Tribal governments are "national" governments with complex histories of inter-relationship with state or federal governments concerning their respective authorities and jurisdictions. In the USA, for instance, indigenous peoples have some recognised self-government authority and the federal government has "nation-to-nation" and "government to government" relationships with federally-recognised tribes (Stan Stevens, personal communication, 2012). For the purpose of this volume, however, governance of protected areas by indigenous peoples and local communities is considered collective governance under Type D rather than governance by government, i.e., Type A.

## Box 2

**Embracing diversity in national systems of protected areas**

Some countries have moved ahead to significantly expand their protected area systems through recognition of new IUCN management categories and governance types.

**Colombia**, which started in the late 1960s with a system including mostly government-managed protected areas, has in the 1990s and 2000s added several new areas under some form of shared-governance. In 1998, the National Parks System implemented a Policy for Social Participation in Conservation,<sup>58</sup> and moved towards greater engagement of indigenous peoples, peasant communities, local authorities, private individuals and others. Through this, it encouraged the creation of regional and local reserves and private protected areas.

In **India**, the Wildlife (Protection) Act of 2002 allows protected areas to be governed in a collaborative manner among various government departments and local communities, but also allows areas to be directly governed by local communities. These are designated as Conservation Reserves (on lands owned by the government) and Community Reserves (on lands owned by individuals or held as common property resource), respectively. Neither arrangement is novel, however, nor fully embraces community governance. Conservation Reserves allow the inputs of various rightsholders and stakeholders only in advisory capacity, whereas Community Reserves cannot be declared on government lands, even where communities are active in sustainable use, restoration, etc. In addition, both kinds of reserve prescribe a uniform institutional structure without recognising the diversity of existing customary institutions and neither can be declared within existing protected areas.<sup>59</sup> Greater legal space to recognise voluntary conservation by indigenous peoples and local communities exists, in India, outside the protected area policy, in the form of State laws such as the Nagaland Village Council Act. Community Forestry Resources can also be claimed and protected under the Indian Scheduled Tribes and Other Forest Dwellers (Recognition of Rights) Act of 2006. This latter Act, however, is only applicable to forest ecosystems.

In **Ecuador**, new actors were recently incorporated in the administration of the National System of Protected Areas. To this end, the following subsystems were established:

- State Natural Heritage Areas— administered and directly managed by the National Environmental Authority
- Protected Areas of Autonomous Decentralised Governments— administered and managed by the autonomous decentralised governments
- Community Protected Areas— administered and managed by communities
- Private Protected Areas— administered and managed by private landowners

To ensure smooth operation of the subsystems, the Ministry of Environment has been defining the legal framework, guidelines and standards for each of these governance types.<sup>60</sup> A variety of governance types is emerging in Ecuador not only in terrestrial but also in coastal environments. The most impressive case of shared governance is the Galapagos Marine Reserve, where lessons in adaptive governance have been accumulating since the beginning of the millennium.<sup>61</sup> While the Autonomous Decentralised Governments can promote their own conservation rules in the coastal environments under their jurisdiction, they do not yet appear to make much use of this facility. There exist, on the other hand, thousands of hectares of mangroves managed for protection and sustainable use via specific agreements (mangrove concessions) established between the Ministry of Environment and local communities. The communities holding the concessions have both the exclusive right to benefit from the sustainable use of the mangroves and the authority to define their rules of exploitation and conditions of surveillance.<sup>62</sup>

For governmental actors, the benefits of opening up to more diverse governance types and enhancing governance quality can include:

1. **Meeting targets for greater protection coverage of areas important for biodiversity and ecosystem functioning.** The use of the full suite of governance types would support the achievement of this goal. Existing areas governed by indigenous peoples and local communities, by the private sector and in shared governance arrangements could be recognised as a component of the official protected area system, or through other means. Overall,

as conservation would be balanced with livelihoods and other development goals, the engagement of actors other than government could increase the social acceptability and sustainability of the system. Ghana, for instance, has developed bylaws that allow it to recognise traditional forms of conservation; an inventory of 3000 sacred groves was completed in March 2005, covering the national territory, and measures to secure their conservation were under study.<sup>63</sup> In 2012, Australia declared its largest-ever terrestrial protected

60 Ministerio del Ambiente del Ecuador, 2006.

61 Heylings and Bravo, 2001 and 2007.

62 Heylings and Bravo, 2001 and 2007.

63 Director of Wildlife Resources (Ghana), communication at the Bolgatanga workshop on transboundary protected areas, March 2005.

58 Parques Nacionales de Colombia, 1999.

59 Pathak and Bhushan, 2004.

area, an Indigenous Protected Area of 10 million hectares known as Southern Tanami, in the Northern Territories region. Chile has one of the largest private protected areas in the world— a 300,000 hectare nature sanctuary known as Pumalín Park, sealed by an agreement between the Chilean government and its private landowner, a millionaire from the USA. Large numbers of smaller sites, in total covering an area larger than Pumalín, are protected under voluntary conservation arrangements by many other individual private owners.<sup>64</sup>

### 2. Greater ability to build networks of protected areas leading to protection of larger landscapes/seascapes.

Recognising and supporting different governance types in a protected area system would help to connect areas physically, counteract fragmentation, maintain species movement and migratory pathways, and allow for genetic exchange and other benefits of connectivity. Many community conserved areas already serve as corridors between two or more government protected areas (e.g., the community forests in New Hampshire, USA; or the Van Panchayat forests in Uttarakhand, India), while private, trust-run and government protected areas provide effective conservation mosaics (e.g., in the Somerset Levels, UK). From the local point of view, many government protected areas could be corridors between two or more indigenous peoples' territories or community conserved areas, providing buffering functions and benefits to people.

**3. More effective conservation.** Achieving the goals of a protected area will depend on how and by whom management decisions are being made and implemented. Involving local actors in decision-making may lead to greater participation and, as a consequence, greater acceptance and public support for the protected area. It may also allow the protected area to benefit from the skills and knowledge of local actors—a typical example being the Aboriginal peoples of Australia, who are used to manage landscapes through timely, controlled fires,<sup>65</sup> or the indigenous peoples of Colombia, who know how to gather medicinal plants in ways that ensure their regeneration.<sup>66</sup> Also, attention to transparent and accountable decision-making may promote more effective conservation measures, adaptive management and timely and adequate responses to changing conditions.

### 4. Greater savings and/or generation of resources.

The involvement of a range of governance types within a protected area system is likely to be a cost-effective measure, as it recognises what is already in place (such as existing conservation efforts by private landowners or communities), avoiding some of the social or financial cost of government stepping-in to buy land or impose regulations. At the level of individual sites, participatory processes need some investment of time and resources but are usually cost-effective in the long run, as they

reduce conflicts, harness the contributions of local actors in conservation, and reduce the need of cost-intensive enforcement measures. Decentralised governance models can also save resources by devolving decision-making to the local level and reducing administrative costs. In addition, when synergy between conservation and development goals is possible, financial resources available for development measures (e.g., through development assistance) can also benefit conservation. In some cases, “win-win” outcomes can be achieved through public programmes that provide employment and capacity development while pursuing conservation goals (e.g., South Africa's Working for Water programme).

### 5. Expanding capacity for meeting a variety of commitments under international law.

It is crucial to engage a range of actors if countries are to fulfil their international obligations under agreements concerning biodiversity, natural resources and climate (e.g., Ramsar obligations for wetlands, requirements for managing natural World Heritage sites, agreements following the Convention on Migratory Species and REDD+ commitments). In this light, the experience of dealing with different governance types in protected areas under the CBD will be useful as a framework of other Conventions as well. For instance, a respectful and effective interaction with the institutions conserving territories and areas governed by indigenous peoples and local communities may be particularly valuable in developing international REDD+ agreements.

**6. More resilient systems.** All governance institutions, be they government agencies, private landowners, companies, multi-actor partnerships, community-based organizations or traditional and indigenous institutions, will go through periods of instability, even dysfunction or inactivity. For instance, what is today the Community Reserve of Lac Télé - Likuola aux Herbes, in the Republic of Congo, used to be a government-governed protected area. During a long period of political instability, the area was all but abandoned by the governmental agencies. Fortunately, the local communities kept caring for and protecting wildlife.<sup>67</sup> Conversely, if local resource priorities shift in ways that are not supportive of wildlife, for instance by converting forests to plantations to gain a better income, the presence of protected areas on land owned by the State can help to conserve at least part of the natural ecosystems. Having multiple institutions engaged in protected area governance buffers the system against the failings of any one institution.

### 7. More people actively involved in conservation.

Many private or Trust-run protected areas are initiated and managed by, or rely on help from, private individuals. Through being actively involved in biodiversity conservation, such individuals gain experience, understanding and insights on the issues involved, and many act as catalysts for relevant interests, concerns and action in society. In the United States, conservation NGOs

<sup>64</sup> Langholz and Lassoie, 2001.

<sup>65</sup> Roughley and Williams, 2007.

<sup>66</sup> See the description available at <http://www.parquesnacionales.gov.co/PNN/portel/libreria/php/decide.php?patron=02.0135>.

<sup>67</sup> Pierre Oyo, personal communication, 2003.

have encouraged landowners to group together and create conservation Trusts — with or without concurrent land easements or servitudes — in exchange for tax incentives from the government. In the UK, over a million private individuals are members of the Royal Society for the Protection of Birds, allowing the organisation to run over 200 protected areas.

### 8. Contributions to social harmony and peace and the recognition of rights.

Besides its conservation objectives, natural resource governance can contribute to broader political aims in society. In many countries, the clashes between rural populations (not restricted to indigenous peoples) and governments are often about control over natural resources and the neglect of customary rights and capacities, including important capacities for conservation. Investing in improving the governance of protected areas and natural resources at large can go a long way to reduce and manage such conflicts. Even across national borders, good transboundary governance can help resolve international disputes and national security issues. For example, in the mountain range of Cordillera del Condor, in South America, the shared governance of a Peace Park between Peru and Ecuador (bi-national committees, bi-national development plan, etc.)<sup>68</sup> contributed to resolving the security disputes that developed between the two countries in the 1990s.<sup>69</sup> And transboundary cooperation for protected areas can be a means of peace-building even in situations where conflict is not primarily about access to resources, as is the case in the Balkans, where several transboundary protected area initiatives are underway.<sup>70</sup> The Dinaric Arc<sup>71</sup>, in particular, is a region where cooperation is needed both for marine and terrestrial ecosystem conservation (no one country possesses all the required capacity and protected area coverage) and to reflect the value of a common heritage, and thereby to promote sustainable development and security throughout the region.

#### Non-governmental actors include:

- local land and resource managers (such as landowners who have or could set up their own private reserves; members of customary institutions governing and conserving the natural resources held in common by indigenous peoples and local communities; users of natural resources exercising traditional occupations depending on sustainable use);
- resident indigenous peoples and local communities, as well as users of areas and resources in and around government protected areas (both mobile and settled communities) including:
  - those who directly depend on natural resources
  - those who depend on natural resources only indirectly

68 Ponce and Ghersi, 2003.

69 The region, however, remains rife with conflict related to mining and hydroelectric projects, in the face of which the local indigenous peoples propose governance solutions of their own (Chicaiza, 2012), including the proclamation of the transboundary ancestral territory of the Shuar Arutam people, with its own conservation rules and practices (Vargas, 2010).

70 Erg *et al.*, 2012.

71 The area covered by the Dinaric Arc stretches along the eastern Adriatic coast, from Trieste in Italy to Tirana in Albania. It covers parts of Slovenia, Croatia, Bosnia and Herzegovina, Montenegro and Albania.



University researchers are precious allies of conservation officials in many countries. A botanist surveys here an endemic species in the Menorca biosphere reserve, Spain. © gbf, 2004.

- people displaced or forcibly removed from land incorporated into protected areas and/or migrant communities into such areas, including those forced into protected areas because surrounding lands have been expropriated by more powerful actors;
- indigenous peoples and local communities networks and/or movements concerned with protected areas;
- recreational visitors and tourists;
- civil society groups, organisations and individuals concerned with conservation, sustainable livelihoods and the respect of rights (e.g., women, youth, as well as local, national, regional and international NGOs concerned with species survival, fisheries and forests, sustainable livelihoods, human rights, the rights of indigenous peoples, etc.);
- NGOs who specifically buy or acquire land for conservation purposes;
- research, education and training institutions who can use or visit protected areas in the pursuit of their missions;
- faith organisations with buildings or sacred natural sites within protected areas or pilgrimage routes running through them;
- businesses with an interest in protected areas, such as ecotourism and tourism companies, water companies, agricultural companies or those who wish to extract resources from the protected area or who affect it in other ways (e.g. water users or polluters upstream);
- corporations and companies that own or manage land within a protected area or wish to establish a protected areas on their own land;
- individual and corporate resource users (including bio-prospectors) with an interest in biological diversity, knowledge and know-how and/or ecosystem services derived from protected areas;



A resting place in the transhumance territory of the Qashqai Tribal Confederacy of Iran, one of the 700 tribes that manage and conserve the dry lands of the country. © Samira Farahani, GENESTA.

- non-local rightsholders and stakeholders with an interest in, and concern for, protected areas for historical reasons, identity reasons, recreation, tourism, etc.;
- public and private foundations and donors concerned with conservation, sustainable livelihoods and the respect of rights.

For non-governmental actors, the reasons for becoming involved in the governance of protected areas possibly vary even more widely than for governmental actors, including:

**1. Securing livelihoods via local strategies for natural resource management.** In many countries, local communities and indigenous peoples depend on the natural resources that protected areas seek to conserve, deriving their livelihoods from these resources and benefitting from ecosystem services. So they have a clear interest in being involved in decision-making and negotiating a fair share of the costs and benefits associated with conservation. They will often wish to maintain access to resources, manage human-wildlife conflicts and receive a fair share of the associated economic benefits (such as conservation payments,

employment, markets for local products or tourism ventures). Also many local rightsholders and stakeholders are well informed about local biodiversity and have developed ways to manage resources sustainably. For example in Lao PRD, local communities are knowledgeable and very concerned about fish and aquatic life in general. They sometimes develop fishing rules and urge the government to enforce those to ensure sustainable management of ecosystems.<sup>72</sup> Involving such communities in the governance of protected areas will ensure that their knowledge is maintained and used, and that their capable local institutions remain alive.<sup>73</sup>

**2. Obtaining recognition and support for their own conservation achievements.** While substantial conservation efforts by non-governmental actors exist alongside protected areas governed by the government, these often remain without government recognition or support. Official recognition would help to sustain them, for example by giving them legal protection against threats

<sup>72</sup> Baird, 1999.

<sup>73</sup> Borrini-Feyerabend et al., 2004b.

or providing financial or technical support. The recognition and respect given to the customary governance systems of indigenous peoples and local communities can assure the conservation of their territories and areas. For example, the sacred Kaya forests, the only remaining examples of coastal groves of Kenya, are today recognised as National Monuments, and the conservation role of their Mijikenda traditional guardians is acknowledged.<sup>74</sup> Private companies also appreciate being acknowledged for their philanthropy for biodiversity conservation. Thus the largest concessionaire of timber land in Sabah, Malaysia, the Yayasan Sabah Group, notes on the first page of its website that four Conservation Areas are left within and around its timber concession area in the Danum Valley, protecting pristine lowland forest.<sup>75</sup>

**3. Clarifying roles and managing conflicts.** A wide range of actors are involved in the use and conservation of resources in and around protected areas, and conservation often takes place on lands with overlapping, and sometimes conflicting, mandates, jurisdictions, ownership or use-rights. Non-governmental actors (as well as actors from different governmental institutions) have an interest in clarifying their roles and responsibilities and in obtaining legal certainty. Greater clarity about roles and greater confidence in the legal context would encourage them to engage more in conservation efforts. Within local communities, clear and secure governance arrangements also help to reduce internal conflicts over resources. For instance Lonjsko Polje Nature Park in Croatia protects one of the largest remaining semi-natural floodplains in Europe, and rich bird biodiversity. The park includes both State and private land. Park managers and farmers, together, work out pasturing arrangements to maintain a unique mix of cultural and natural landscapes.<sup>76</sup>

**4. Seeking better respect for local rights, values and identity.** Indigenous peoples throughout the world seek control over their traditional territories as central to their right to self-determination and cultural identity; this aspiration is articulated in the United Nations Declaration on the Rights of Indigenous Peoples.<sup>77</sup> This is particularly true for the territories and areas that are best conserved, some of which have been taken over by private interests or included as part of national systems of protected areas. Maintaining or regaining decision-making rights over their customary territories and lands is thus a major objective for indigenous peoples and local communities, along with their desire to conserve nature as a common patrimony and exercise their rights as citizens.<sup>78</sup> As an example, the Sherpa people of Nepal are engaged in gaining full recognition of their role as caretakers of Khumbu, their customary territory, much of which is today under the government-governed Sagarmatha (Mt. Everest) National Park and World Heritage Site.<sup>79</sup> Another example are the

mobile indigenous peoples of Iran, for whom conserving the traditional migration territories, and the wetlands of national and international<sup>80</sup> importance they include, means both economic and cultural survival. Gaining formal authority and responsibility for their conservation would mean livelihood security for the one and a half million people (700 tribes) who use huge swaths of dry land to support their pastoral lifestyles.<sup>81</sup> It would also be a crucial incentive to keep using that land *sustainably*.

In general, a key motivation of many actors to engage with protected area governance is to improve governance quality - i.e., achieve more equity, legitimacy and accountability in the decision-making processes that affect natural resources, livelihoods and society in general. This concerns both the governance agreements made between different rightsholders and stakeholders, and the internal governance agreements within each interest group.

## 2.2 Governance instruments and powers

As we have seen, governance refers to the institutions and processes by which rightsholders and stakeholders influence and make decisions (“exercise authority and responsibility”) that affect the protected area. A variety of **instruments** can be used:

- **international law, conventions, standards and best practices** for conservation in general and protected areas in particular, especially international conventions that have been nationally-ratified;
- **national legislation, policies, strategies, agreements and plans**— ranging from the national constitution to sector-specific legislation; and from accepted customary law to established conservation goals relating to protected areas;
- **formal management plans and regulations** e.g., for establishing priorities and a zoning system, timing the use of a resource, opening or closing access to an area, and allowing or disallowing a particular activity or technology, and agreements such as legally binding memoranda of understanding;<sup>82</sup>
- **customary and local rules and plans**, including traditional systems of resource access and use regulated by local institutions and depending on local knowledge and skills;
- **technical and other forms of advice** on what kind of decisions might be effective, desirable, proper, feasible, cost-effective, etc., including through advisory committees and taskforces;
- **social incentives and disincentives**, such as social recognition and esteem, awards and rewards (e.g., for environmental stewardship actions), ostracism for destructive or careless behaviour, etc.;

74 Wild, 2008.

75 See the web site <http://www.ysnet.org.my/> and more information available on line.

76 Gugic *et al.*, 2012.

77 United Nations, 2007.

78 Marta de Arzevedo Irving, personal communication, 2012.

79 Stevens, 2008.

80 Including numerous Ramsar sites.

81 M. Taghi Farvar, personal communication, 2012.

82 These instruments include: designation of management category and governance type; creation of specific protected area institutions; prescription of policies, principles and objectives; management plans, zoning, permits, licences, rights, prohibitions and sanctions; voluntary and commercial measures and agreements; leases and incentives (Alexander Paterson, personal communication, 2012).

Box 3

**Balancing the powers in Snowdonia National Park, Wales (UK)**

While some protected areas are managed by a single body, which has wide-ranging (although seldom total) power over use of land and water, others are far more complex. Snowdonia National Park covers 214,000 hectares of mountain, moorland and coast in north Wales (UK). This Category V protected landscape generates an estimated £60 million value each year, mostly as a tourist attraction for its spectacular scenery, while some 4,000 associated jobs depend upon its existence. But almost 70 per cent of the protected area is in private ownership, with around 10 per cent held by charitable organisations (mainly the National Trust). Most of the remainder of the park is in some form of State ownership, primarily the Forestry Commission. The National Park Authority (NPA) itself owns only 1.2 per cent.

The legal decision-making authority for the planning and management of the protected area is the NPA, set up under national legislation and largely funded by the government (its members are partly drawn from local authorities and partly appointed by the Welsh Government). Control over State land, however, remains with various government departments, and these have not always acted in agreement with park purposes

(historically, this was the case with the Forestry Commission, but the situation has much improved in recent years). In addition, local town and village authorities have some influence within their boundaries, and individual farmers and landowners have considerable power about the way in which they manage their land (although there are controls on forest clearance and some forms of upland management). EU grants and subsidies have also had a great impact on land management strategies; in the past not always in line with overall conservation objectives.

Decisions taken by a few landowners can adversely affect Snowdonia National Park's landscape and natural values, even though tourism, which makes a far greater contribution to the economy than either forestry or farming, depends upon a well-conserved landscape for its enduring success. In special circumstances, other priorities of national government (which is now divided between the UK as a whole and the devolved government of Wales) can over-ride all other considerations (e.g. with respect to transport and power supply). While the park management plan provides a framework for conservation, many of the NPA's decisions involve considerable negotiation.<sup>83</sup>



The Mawddach Estuary from Barmouth, Snowdonia National Park, Wales, UK @ Equilibrium Research

<sup>83</sup> Nigel Dudley, Sue Stolton and Adrian Phillips, personal observations, 2012. See also <http://www.eryri-npa.gov.uk/home>



- **financial incentives and disincentives**, such as fees, management payments and tax breaks to land owners to promote conservation action; and fees and taxes to discourage action that works against conservation;
- **financial investments**, such as those disbursed through projects, programmes and infrastructure;
- **investments of time and labour**, e.g., for private landowners or community members voluntarily engaged in restoration activities or surveillance;
- provision of **information**, and **resources to meet, communicate, discuss and negotiate**, including support for ad-hoc or permanent forums and platforms, provision of meeting venues, transportation, telephone and computer facilities, etc.;
- provision of **education programmes**, including basic and specialised education, such as for courses recognised in academic or professional fields;
- provision of **salaries, material or administrative support** to meet protected area needs;
- setting up **research initiatives and training programmes** (including equipment), which help in understanding and responding to management problems;
- appropriate **investments in monitoring and evaluation activities**, including those relating to governance;
- provision of **physical barriers and active enforcement** to prevent violations of rules.

The ability of rightsholders and stakeholders to use these instruments depends on the powers they hold and the degree of influence they can exert. These **powers**, which may be most effective when held in combination, include:

- **planning and regulatory powers**: the capacity to develop meaningful conservation objectives and effective rules concerning access to land and waters, use of natural resources, health and safety, security, etc., all of which are usually included in a protected area's rules and regulations or in its management plan;
- **revenue-generating powers**: commonly in the form of fees, licensing and permits<sup>84</sup> and property taxes;
- **spending powers**: related, for example, to surveillance and law enforcement, development and maintenance of infrastructure (trails, roads, interpretative facilities, etc.), training and research;
- **hiring powers**: related to the capacity to employ staff in support of the protected area's aims or to ensure good relations with the rightsholders and stakeholders;
- **the power to convene others and develop agreements**: concerning the sharing or delegation of the four powers above, including the authority to: establish power-sharing arrangements, their mandates and operating rules (e.g., for shared governance boards, councils); make agreements with others responsible for land use in adjacent lands; or agree the terms under which staff are employed and operate;
- **the power of knowledge and know-how**: possessing relevant information and skills; defining what type of knowledge is needed and how it can be acquired (including what experts are trustworthy); using knowledge to support

specific decisions; regulating access to information (e.g., related to planning, research, decision-making, monitoring and evaluation results) through formal or informal communication; communicating and disclosing information through conventional avenues (e.g., scientific journals, conferences) and contemporary, Internet-based social media;

- **the power to enforce**: the capacity to enforce decisions and rules through a variety of means, including: social pressure to conform and social ostracism towards violators; means of surveillance and weapons to physically prevent the breaking of rules; and an active judiciary, capable and willing to impose fines and other sanctions.

Most if not all rightsholders and stakeholders in society possess some of the above, although to a widely varying degree.

**It is usually a combination of such powers, strategically applied through various instruments at various levels, which results in *de facto* governance for a given protected area.**

“**Rightsholders**” are the actors that hold one or more of the rights, entitlements and powers listed in Section 2.1 and above in ways that are legally and/or socially sanctioned. The classic model sees rights and powers for protected areas vested by government mandate in a governmental ministry or agency, which owns and/or controls protected lands, waters and natural resources. Subdivisions in that model may vest authority in parastatal or technical agencies (e.g., a national park agency), in local or regional levels of government, or in elected political leaders (who may sit *ex officio* in protected areas' governing boards). In most countries, private ownership also involves a very strong bundle of recognised decision-making rights and powers on land and resources. Long established customary rights, which used to be widely adopted and respected in many countries, have been severely diminished in the last centuries. Recently, however, customary rights are becoming better recognised<sup>85</sup> in national and international arenas.<sup>86</sup>

Even private ownership or customary collective rights, however, do not entitle the rightsholders in an absolute way. They may not, for instance, confer subsoil rights, or legislation may limit ownership and customary collective rights in certain environments (in particular in protected areas) and reserve a power to expropriate land and resources in “the national interest”. Moreover, many countries control even private and customary collective rights with respect to clearing forests, cutting trees, digging up wild plants, polluting water and hunting. But the lack of ownership or the failure to recognise customary rights does not necessarily mean an absence of powers or influence. For instance, it is not uncommon that local resource managers assume regulatory and enforcement powers *de facto* in government-owned land when state powers are absent or ineffective. And even government-sanctioned public rights in protected areas can be challenged, e.g., through legal action to secure de-gazettment.

<sup>85</sup> Meinzen-Dick and Knox, 2012; RRI, 2012.

<sup>86</sup> The UN Declaration on the Rights of Indigenous Peoples has now received universal backing from the international community, the United States being the last UN Member State to endorse it.

<sup>84</sup> Including permits related to access and benefit sharing (ABS) agreements.

Box 4

### Changes in governance, changes in conservation...<sup>87</sup>

For centuries, the Borana peoples have used a large territory straddling the border between Ethiopia and Kenya – a coherent “management unit” where pastoral livelihoods have coexisted with valuable biodiversity, including four restricted-range species of birds. Access to natural resources was regulated by their customary governance based in the *gadaa* system, an age-based institution typical of the Oromo, the second largest linguistic group in Africa. Their territory includes diverse habitats at different elevations (with varying rainfall and vegetation types, from dry grasslands to evergreen forests) and is marked by heritage places and resources of special natural and cultural value, considered sacred by the Borana and protected under customary laws.

Examples are the *Tulaa sallan* (nine localities in the savannah where deep traditional wells provide water with special qualities), the *Booqee sadeen* (three volcanic places with crater lakes providing salt varieties and mineral water for humans, cattle and wildlife), and several ritual grounds marked by a *Ficus sycomorus* tree, to be maintained strictly in a natural state. Although not used in daily pastoral practices, the dry evergreen forests of *Juniper procera* were one of the highest valued elements of the ecosystem. The customary leaders of the Borana stress the relevance of these forests in their culture and pastoral livelihoods. Although covering less than 2% of the total territory, these forests had always represented a crucial grazing reserve for the mobile herds in time of drought, a source of plants for rituals, a delight for their aesthetic and symbolic value, a powerful element in regulating the climate and a water catchment area. They were carefully conserved as they played a crucial role in the integrity of the territory and livelihoods of the people.

At the beginning of the 19th century, the territory of the Borana was incorporated into the Ethiopian State. Soldiers and other newcomers established settlements close to the forests. Under imperial indirect rule (1898-1974), the Borana management system was not seriously affected, but the customary leaders could not counteract the urban and

agricultural expansion of the newcomers, which eventually impinged upon the forests, whose timber was highly valued as construction material. The Mengistu government (1974-1991) introduced some conservation initiatives, including the establishment of three National Forests and the Yaaballo Wildlife Sanctuary (savannah ecosystem) covering about 3% of the Ethiopian portion of the Borana territory. Authority and responsibility for these areas, however, was assigned to governmental agencies, a decision that appears to have hastened the exploitation and degradation of the sites. Only in 1991, after a change of government, were the customary leaders again asked to join in some form of collaborative forestry management through some NGO-run projects. But the demographic and political factors did not change, and the status of biodiversity in the landscape continued to deteriorate. As the Borana customary governance was being replaced by various forms of “modern” governance, unsustainable exploitation spelled out the demise of both the local biodiversity and the livelihoods system of the Borana. The Borana customary leaders are still willing to regain authority and responsibility in decisions affecting their territory, but they stress this needs to happen rapidly to have any chance of success.



A view of one of the main nine *tulaa* (sacred wells) localities in the Borana territory. Access to the wells and the surrounding area is strictly regulated to assure environmental protection. Cattle go down along the straight hand-dug paths visible as lines in this picture. The herders make sure that water is available, at night, also to wildlife. © Marco Bassi, 2002.

<sup>87</sup> Bassi, 2000; Bassi and Tache, 2008; Bassi and Tache, 2011.

## 2.3 Levels of governance

Protected area governance takes place at a number of levels which often interact with each other. In some cases, one level implements and another oversees; in others, different levels need to combine their powers, or act consecutively. Interactions can be horizontal (e.g., voluntary, through collaboration and exchanges) or vertical (through hierarchy), formal (e.g., by law) or informal (e.g., because of relationships and trust).

The principal levels of governance are:

- **global:** through global agreements such as the CBD, the Convention on Migratory Species, the Convention on Wetlands of International Importance (Ramsar Convention), the World Heritage Convention, the UNESCO Man and the Biosphere Programme and various conventions on global trade issues, including CITES. Global governance also



Socio-ecological units are best identified by rightsholders and stakeholders together, as here in Tamga, Morocco. © gbf, 2007.

operates where decisions are taken by NGOs operating at the global scale;

- **multilateral / transnational /regional:** through agreements among a limited number of countries, such as the Barcelona Convention for the protection of the marine and coastal environment of the Mediterranean, the Convention for the Conservation of Antarctic Seals, or the conservation regime put in place throughout the EU (Natura 2000);
- **bilateral:** through agreements made between two countries, e.g., for transboundary conservation areas or broader agreement such as the China Australia Migratory Bird Agreement;
- **national:** through laws and policies made by national governments, and decision-making powers of executive agencies;
- **sub-national:** through legislation and policies in force at territorial, provincial, municipal levels and in specific sectors of government (e.g., the decentralised management units for departments of forestry, agriculture, fisheries, energy or oceans, which may not coincide with administrative units)
- **protected area system:** by national and sub-national agencies, councils or *ad-hoc* natural resource management agencies and authorities;
- **protected area:** by one or more among the relevant rightsholders and stakeholders, and usually including professional managers, technical and operational staff, funders and investors, local authorities, communities, etc.;
- **sub-units of a protected area:** ecological and/or socially coherent zones or landscape/seascape features within a protected areas or outside of it, but crucial for its conservation, e.g., because of connectivity.

An additional level of governance is the **socio-ecological unit**, which is of special interest to protected areas. If a protected area is included within a larger socio-ecological unit its governance system needs to be integrated with that of the surrounding landscape/seascape, especially with regard to land tenure policies and land and legal and customary resource use priorities and plans. In practice, few protected areas coincide either with ecological units (e.g., an entire watershed) or with socio-cultural units (e.g., a government administrative unit or the ancestral domain of an indigenous people), a fact which makes their coherent and effective governance more more difficult.<sup>88</sup>

Moreover, all forms of legal, institutional and customary governance need to be sensitive to the way that ethnicity,

### Decentralisation, devolution<sup>89</sup> and subsidiarity

“Decentralisation” is an act by which a central government cedes power to actors and institutions at lower levels. If those are local branches of the State the process is also referred to as de-concentration. If those are private bodies it is called privatisation. If those are local authorities, downwardly accountable to local people, the process is called devolution. The related principle of subsidiarity implies that governance matters should be handled by the (legal or customary) authority closest to the natural resources that possesses the required capacity.

<sup>88</sup> See, for instance Murphree, 1997; Cummings *et al.*, 2006 and Borrini-Feyerabend *et al.*, 2004b.

<sup>89</sup> Adapted from Ribot, 2004



A protected area manager in Ecuador maps out a decision making process engaging different rightsholders and stakeholders. @ gbf, 2001.

religion or gender can determine how rules about local resources are developed, understood and respected. This is especially important in the case of natural resources managed under customary governance and common property traditions, including resources that are officially government-owned but *de facto* collectively managed by local communities, often with remarkably positive results for conservation. Such traditional institutions may be invisible to outsiders but nevertheless play key roles in decision-making about conservation in general and protected areas in particular. If the context is favourable and if the individuals in charge are capable and open, customary governance can mesh positively with formal institutions and legal governance mechanisms. But the two systems can also be in contradiction and conflict. Box 4 describes an example of the complex nature of such interplay.

While in principle local powers and processes are always subject to laws and policies made at national, federal and even international levels, certain powers are sometimes formally decentralised to the local level. The national legal framework generally retains a powerful influence on the governance and management of natural resources in general and protected areas in particular, but authority and responsibility can be shared at local level in ways made specific by decentralisation policies.<sup>90</sup> In some cases, however, the national powers and influence are so weak (e.g., due to the remoteness of an area and/or weak enforcement capacities of the government) that, regardless of policies, local actors are primary decision-makers *de facto*. In all situations, the involvement of rightsholders and stakeholders in protected area decision-making is best secured when the national protected area legislation recognises it formally as a governance model.

<sup>90</sup> Surkin, 2011.

Several conclusions can be drawn from the complex realities of actors, powers and levels of governance:

- The **governance** of a protected area, or of a system of protected areas, is shaped by history, culture and the interplay among local, sub-national, national and international actors and institutions. It is **the result of processes of developing and exercising authority and responsibility over time**.
- Multiple sets of rules in different sectors and at different levels, as well as the interplay of these rules with pre-existing customary governance patterns, may complement or contradict each other. **Understanding protected area governance involves clarifying where rights, responsibilities and accountabilities lie**.
- Many different bodies are involved in different ways in aspects of governance. **A dynamic and mutually-supportive balance among multiple actors and institutions should be sought through the powers and instruments they exercise at various levels**.
- Governance systems have to cope with rapid environmental, cultural, social and economic changes. **Governance systems should be dependable but also adaptable, capable of responding to the ever-changing needs of *in situ* conservation**.

SPEAKING CASES

## Can top-down be wise?



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“Well, you know, when I get to a protected area it is a bit like when the mother in law comes to visit... everything should be in order and fill precisely the requirements of our management system. Metsähallitus carries the bulk of the authority, responsibility and accountability for protected areas in Finland... ‘the buck stops with me’, so to speak.” Rauno Väisänen, Director of Metsähallitus Natural Heritage Services, is walking on the banks of one of the majestic waterways of Oulanka National Park, close to the border of Finland and Russia. “But this does not mean” he continues “that many rightsholders and stakeholders do not have their say. On the contrary, they influence the management plans for each and every protected area in the country! And this does not mean that the Environment Minister and other political appointees do not also have their say... they very much do! The Parliament decides on the laws and on our annual objectives, the Ministry of the Environment supervises us and, within this legal and political framework, our agency seeks a balance with the interests of local stakeholders. By the way, the local stakeholders know this very well... they have shown great support for us when we were threatened by budgetary cuts. They know that national parks create jobs and supports local economies through nature tourism. Unlike mining industries, nature tourism is sustainable in the long run, and the revenues remain in the region where they are produced.”

Finland is a country where governance of protected areas is firmly in the hand of a government agency... but matters are complex and flexibility seems to be crucial. “When we compile the management plan for a protected area we always listen to local peoples, municipalities, the private sector, the NGOs at regional and local level... Here, for instance, the multi-stakeholder Oulanka Cooperation Group serves as advisory body for the new tourism strategy. But the bulk of the plan is developed by experts – biologists, ecologists, cultural heritage specialist and the like— and the last word rests with me as Director. Or, in controversial cases such as those involving major hunting and fishing rights, it rests with the political, ministerial level above me.” Rauno continues: “Overall, the way we run governance in Metsähallitus is through subsidiarity, transparency, good information management, multiple reporting and the possibility that anyone can openly discuss and lodge complaints about any issue. This is our strength. With that, we nourish mutual trust and positive relationships, both within the agency and with its partners.”

And yet, when the Finnish government wants to have an area protected, it first of all tries to buy that land, and tries to make sure that no one lives there. Only in a few cases some private land with no permanent residents is included in the protected area system, and in such cases – if the owners

© Metsähallitus.



© Metsähallitus.



adamantly do not wish to sell— they are compensated for the use restrictions they have to bear. Even more interestingly, although Finland is one of the countries that fully support the international recognition of indigenous peoples rights, it still does not recognise the collective land and resource rights of its own indigenous people— the Sami.<sup>91</sup> Rauno stresses: “The Sami parliament is a very important stakeholder for protected areas, and we have excellent working relations with it. The Sami are actually happy that our Metsähallitus Natural Heritage Service exists... they carry out their traditional herding practices in the very large National Parks and Wilderness Areas in the north, which would be under logging if only the Metsähallitus Forest branch would have had their say! But we do not foresee that the Sami Parliament could be in charge of governing a protected area. Metsähallitus negotiates with them, and we usually take decisions following their wishes, but we have no obligation to do that. No, I do not know that much about the sacred sites and special territories they may have and how they might deal with them. And it is natural that I do not know, as they may be wary of tourists and visitors...”

The Finns have three traditional regulatory systems recognised in administrative law: kalastuskunta (to regulate site-specific fishing rights), paliskunta (to regulate northern reindeer herding) and yhteismetsä (to regulate privately-owned collective forests).<sup>92</sup> Unlike in other countries, however, the indigenous peoples of Finland have no recognised collective rights over their customary territories. “In Finland, when we discuss rights in protected areas we are accustomed to deal with individual (everymen’s) access rights, including rights to collect berries and mushrooms, which condition many of our management plans. In North Finland, local people, including the Sami, also have a right to hunt in state-owned lands. This right exists too in most protected areas, whereas in the south it is generally prohibited.”

Rauno recalls that most conflict issues about protected areas are about hunting and fishing. He points out: “Landowners have a right to kill animals on their properties within the limits of the Hunting Act. This is a culturally-entrenched right, and it gets us into trouble when we wish to establish new protected areas. Here, when regulations on the Natura 2000 sites of the European Union were imposed top-down, we received 14,300 notices of court procedures... and many landowners are still upset today. But sometimes decisions must be taken from the top. Let me give you an example. One of our most recently established National Parks is Sipoonkorpi— a forest area east of Helsinki. As a consequence of declaring this new protected area, a handful of people lost their hunting rights. But more than half million people—in Helsinki and surroundings— gained important biodiversity benefits. This top-down political decision was simply wise!”

91 Lempinen, 2008.

92 Nigel Crawhall, personal communication, 2012.

### 3. Governance types



Starting in the 19th Century and greatly accelerating in the 20th Century, the predominant practice has been the designation of protected areas by governments. The government of France established the National Park of Guadalupe in 1989. © F. Salles.

Many contemporary protected areas have their historical origins in community initiatives to conserve resources and ecosystem services, in faith-based initiatives to protect sacred natural sites, or in initiatives by rulers and wealthy land owners who set aside areas for wildlife and hunting.<sup>93</sup> Starting in the 19th Century and greatly accelerating in the 20th Century, the predominant practice has been the designation of protected areas by governments— via national laws, policies and agencies and/or via the establishment of dedicated sub-national institutions (e.g., the system of advisory and decision-making bodies that is in charge of each National Park in France). In parallel, community-based and private

conservation initiatives have continued to exist and develop, sometimes in opposition and conflict with state conservation institutions, and sometimes in complementary and mutually supportive roles.

Today, as a result of such historical evolution, governance arrangements in and around protected areas can be quite diverse. Both IUCN and the CBD,<sup>94</sup> however, recognise four broad protected area governance types, defined on the basis of who holds authority, responsibility and can be held accountable for the key decisions<sup>95</sup> for protected areas (see Table 4).<sup>96</sup>

Table 4. **IUCN Governance types for protected areas**

Governance Type	Sub-types
Type A. Governance by government	<ul style="list-style-type: none"> <li>• Federal or national ministry or agency in charge</li> <li>• Sub-national ministry or agency in charge (e.g., at regional, provincial, municipal level)</li> <li>• Government-delegated management (e.g., to an NGO)</li> </ul>
Type B. Shared governance	<ul style="list-style-type: none"> <li>• Transboundary governance (formal arrangements between one or more sovereign States or Territories)</li> <li>• Collaborative governance (through various ways in which diverse actors and institutions work together)</li> <li>• Joint governance (pluralist board or other multi-party governing body)</li> </ul>
Type C. Private governance	<ul style="list-style-type: none"> <li>• Conserved areas established and run by:               <ul style="list-style-type: none"> <li>□ individual landowners</li> <li>□ non-profit organisations (e.g., NGOs, universities)</li> <li>□ for-profit organisations (e.g., corporate landowners)</li> </ul> </li> </ul>
Type D. Governance by indigenous peoples and local communities	<ul style="list-style-type: none"> <li>• Indigenous peoples' conserved territories and areas – established and run by indigenous peoples</li> <li>• Community conserved areas and territories – established and run by local communities</li> </ul>

<sup>94</sup> Dudley, 2008; CBD Decision X.31, Nagoya, 2010.

<sup>95</sup> Such as establishing the protected area as such, deciding its main management objective, zoning and management plan, etc. On this, see also Section 1.4.

<sup>96</sup> IUCN, 2004; CBD Decision VII.28, Kuala Lumpur, 2004; SCBD, 2004; Dudley, 2008; CBD Decision X.31, Nagoya, 2010.

<sup>93</sup> See, for instance: Adams and McShane, 1992; Diegues, 1998; Posey, 1999.

## Box 5

**Governance by government**

**Governance by federal or national government.** At 97.2 million hectares in extent, the Northeast Greenland National Park is the largest protected area in the world. It has no permanent human inhabitants and it is managed by the Greenland Department of Environment and Nature, which caters for occasional scientists and other visitors.

**Governance by State or regional government.** The Victoria State government in Australia manages national parks on State-owned land for conservation, ecosystem services and recreation. For example, 90 per cent of Melbourne's water supply comes from uninhabited, forested mountainous catchments to the north and east of Melbourne, around half of which are included in Kinglake National Park (Category II, 21,600 ha), Yarra Ranges National Park (Category II, 76,000 ha) and Baw Baw National Park (Category II, 13,300 ha). The government-owned company Melbourne Water manages the water supplies from these forests and protects water resources. Melbourne has been recognised as having the best quality drinking water of any Australian city.<sup>97</sup>

**Governance by municipal government.** The City of Cape Town in South Africa has, through its municipal by-laws under the authority of the South African Municipal Systems Act, proclaimed more than 30 Local Protected Areas, which are managed by the Cape Town Metropolitan Municipality. While designated, governed and managed by the City of Cape Town, these protected areas are nevertheless included in South Africa's National Register of Protected Areas, and are subject to the relevant provincial and national acts and regulations. While the authority is held by the municipality, an individual protected area proclaimed in this way (e.g., Rondevlei Nature Reserve adjacent to False Bay) works with the local ratepayers' associations and local community groups, such as the "Friends of Zeekoevlei

and Rondevlei" (an apolitical, community-based non-profit organisation that assists the nature reserve authorities).<sup>98</sup> The communities have thus the right to be consulted but not to make decisions regarding this protected area, which remains under the control of the municipal government.

**Governance delegated to an NGO.** In the Seychelles Islands, two State-owned protected areas are managed for the government by the Seychelles Island Foundation, an NGO. Aldabra Atoll and Vallée de Mai, a palm forest on Praslin Island, are also both World Heritage Sites recognised by UNESCO. Aldabra is extremely remote and uninhabited; it is managed by a small permanent staff and visits are by arrangement. Vallée de Mai is, by contrast, a major tourist destination.

**Governance delegated to a private company.** In Slovenia, the government delegated the management of Sečovlje Salina Nature Park to a private mobile phone communication company through a "double concession" mechanism. The first concession is for the traditional production of salt from sea water and the second for the management of the protected area that includes the salt production area and its surrounding environment. The biodiverse landscape (salt-loving vegetation, wetland birds, endangered coastal habitats) developed in symbiosis with the salt production and is conserved only as long as that production continues. Management is done according to a plan approved by the government and executed by the private company. Income from salt making and tourism is kept by the company after paying a concession, but costs are not yet recovered (the company considers them image-related costs). The government and international projects still contribute to the annual budget *also* in view of the social role of Sečovlje Salina Nature Park, which provides employment to nearly one hundred local people.<sup>99</sup>

Types A and B are usually established and managed by governmental agencies, alone or in partnerships with others. Types C and D are often subsumed under the term "voluntary protected areas"<sup>100</sup> and can operate independently of government recognition and support. Some large and complex protected areas, involving several designations, may include multiple governance types within their boundaries, possibly under the umbrella of an overview authority. For instance, iSimangaliso Wetland Park, one of three World Heritage Sites inscribed in 1999 in South Africa, brought together sixteen individual land parcels, initially designated under various laws, in a single jurisdiction under a statutorily defined World Heritage Authority.<sup>101</sup>

<sup>97</sup> Melbourne Water, 2002.

<sup>98</sup> See the information available on line.

<sup>99</sup> Andrey Sovinc, personal communication, 2012.

<sup>100</sup> Lausche, 2011.

<sup>101</sup> See the information available on line.

Each of the four main governance types for protected areas is described in greater detail below.

### 3.1 Type A. Governance by government

In this type, one or more government bodies (such as a ministry or protected area agency reporting directly to the government, or a sub-national or municipal body) hold the authority, responsibility and accountability for managing the protected area, determine its conservation objectives (such as the ones that distinguish the IUCN categories) and develop and enforce its management plan. The state or federal government<sup>102</sup> may or may not own the land, water and related resources. In some cases, the government retains the



overall control of a protected area and takes all major decisions, but delegates the planning and/or daily management tasks to other actors such as an NGO, private operator or community. Under a national legal framework and governance system, there may or may not be a legal obligation to inform or consult stakeholders prior to setting up protected areas and/or making or enforcing management decisions, and accountability measures also vary from country to country.<sup>103</sup>

In recent decades, there has been a tendency for governments to decentralise responsibilities for protected areas and become more inclusive when identifying priorities, objectives and approaches for natural resources in general and protected areas in particular,<sup>104</sup> although this varies greatly between countries. In many Western European countries, for instance, legislative and budgetary responsibilities for nature conservation rest at sub-national administrative levels (e.g., Italian and French regions, German *Bundesländer* and Spanish *comunidades autónomas*) while protected areas in Eastern Europe are still rather centralised.

The social forestry movement<sup>105</sup> and the expansion of participatory approaches in development and conservation initiatives<sup>106</sup> are other examples of a decentralisation trend that has partially blurred the line between governance types for natural resource management and conservation at local/municipal level.<sup>107</sup> For instance, municipal conservation areas<sup>108</sup> that would fall unequivocally under Type A in the absence of decentralisation policies, acquire characteristics of Type D when authority and responsibilities over natural resources are decentralised. For type D, however, the impulse and decision to conserve originate from local communities, and managers are accountable to them. Regardless of decentralisation policies, some local protected area authorities remain unwilling to open their doors to local stakeholders and unwilling to report to them about decisions and their consequences. In those cases, we would still regard their protected areas as type A. Attitudes regarding protected areas tend to mirror general governance approaches within the country, although in some cases enlightened protected area managers lead the way in promoting policies of participation. Some examples of governance arrangements in Type A are outlined in Box 5.

Governance of protected areas by governmental agencies becomes rather complex when these include lands or waters legally owned or customarily controlled by private individuals or companies, local communities or indigenous peoples. For private property, this is the case with virtually all national parks



Table Mountain viewed from Robben Island, two World Heritage Sites embodying nature and culture in the heart of the City of Cape Town. © Trevor Sandwith, 2006.

in Europe<sup>109</sup> and, for indigenous people's legal or customary rights, this is the case for about 80 per cent of large protected areas in Latin America.<sup>110</sup> Sometimes multiple rights over land and resources develop even after the designation of a protected area, for example when mineral rights are leased or when pre-existing unrecognised land and resource rights are returned to indigenous peoples.

In the case of most marine protected areas, ownership rests with the State or federal government, which manages them directly or in partnership with other actors. Regardless of ownership, however, many marine areas are conserved under local voluntary governance and customary laws, usually well respected by the community concerned.<sup>111</sup>

A type of government-governance that is frequently found in protected areas in Eastern Europe is **delegated governance**, which may be subdivided into "*de-concentrated*" (when management responsibility is transferred from central to a subordinate level within the same institution, e.g., a Ministry of Environment) and more properly "*delegated*" (when management responsibility is transferred to entities that do not belong to the same institution, e.g., to a different Ministry or to an NGO).<sup>112</sup> Interesting examples of locally de-concentrated authority are found in Finland and Latvia. In Albania, Bulgaria, Serbia, Slovakia and Slovenia responsibilities for some protected areas are fully delegated. And Romania has adopted the delegated approach for *all* its protected areas, with the Ministry of Environment establishing contracts for the management of protected areas with the National Forestry Administration, various NGOs, Universities, county councils and even private individuals.<sup>113</sup> The delegation contracts, however, do not come with resources, nor is there proper coordination and monitoring, so this approach is much less effective than it could otherwise be.

102 As also mentioned in Section 2.1, tribal governments may be recognised as "national" governments but we consider their governance of protected areas more akin to collective governance (Type D) than to governance by government.

103 Arguably, requirements for accountability and good governance in general are becoming more homogenous by virtue of international agreements such as the CBD.

104 See De Cosse et al. (2012) for a detailed analysis of this process for a specific country (Bangladesh). For more general views and examples see: Borrini-Feyerabend, 1996; Borrini-Feyerabend et al., 2004a; Lockwood et al., 2006; Kothari, 2006; Balloffet and Martin, 2007; Lausche, 2011.

105 Cronkleton et al., 2008.

106 Thompson, 1995.

107 Smith, 1985; Crook and Manor, 2000; Ribot, 2004a; Ribot, 2004b.

108 See IUCN Resolution 4.037.

109 European Environmental Agency, 2012.

110 Amend and Amend, 1995.

111 Techera and Troniak, 2009; Nursey-Bray, 2011; Cinner et al., 2012.

112 Stanciu and Ionita, 2013.

113 Erika Stanciu and Alina Ionita, personal communication, 2012.

## 3.2 Type B. Shared governance

Protected areas under shared governance are based on institutional mechanisms and processes which - formally and/ or informally - share authority and responsibility among several actors. This model is widely used, and many countries have been experimenting with it, sometimes adopting specific laws, policies and administrative arrangements to make sharing work.<sup>114</sup> Shared governance is not, of course, unique to protected areas, and is indeed becoming more common in many other fields.<sup>115</sup>

For a long time, “governance” and “management” were not distinguished as separate concepts, so it is no surprise that shared governance arrangements are still often referred to as co-management, collaborative management, joint management, or multi-stakeholder management. **Collaborative governance** is one form of shared governance in which decision-making authority and responsibility rest with one agency but the agency is required, by law or policy, to inform or consult other rightsholders and stakeholders, at the time of planning or implementing initiatives. For instance, participation may be secured by assigning to multi-party bodies the responsibility to develop technical proposals for protected area regulations, which are then submitted to a decision-making authority for validation and approval. In such situations, the advisory body that develops the technical proposal has considerable influence on decisions. A graphic representation of such a mechanism is depicted in Figure 2 below.

In proper “**shared governance**” situations (sometimes referred to as joint governance or joint management<sup>116</sup>), the representatives of various interests or constituencies sit on a governance body with decision-making authority and responsibility, and take decisions together (see Figure

3 for a graphic representation). It is always important that representatives are credible, i.e., that they faithfully represent their constituencies and communicate with them on a regular basis. But taking decision together may be done in different ways, which may be differently appropriate according to the circumstances. For instance:

- decision-making may be stipulated as “by consensus only”, in which case the power that can be exercised by any single party or any minority is clearly increased; the parties must be prepared here to make substantial efforts and invest the necessary time and energy and will be rewarded by conclusions that engage every party in a strong way. The alternative is decision-making by vote, which may become the option of choice when fast conclusions are needed and/ or decision-stalling is clearly at stake.
- decision making process may be specified as fully transparent, in which case the debate is open to public scrutiny, and equity and accountability are likely to improve; in some cases, however, open debates polarise positions and favour populism. A possible alternative would be to develop alternative options in small groups, gathering the pros and cons from the parties and having those summarised for public scrutiny by a neutral facilitator.

As Figures 2 and 3 show, shared governance ordinarily involves one or more bodies and various partners. The bodies may have a decision-making, advisory or executive role. Their rules and the role of each partner should be clearly defined, although such roles may evolve through time.

As most formally designated protected areas were established by governments, even those that engage a variety of rightsholders and stakeholders in governance almost inevitably include government representatives. In some cases, shared governance refers to a sharing of authority and responsibility exclusively among agencies or administrative levels of a

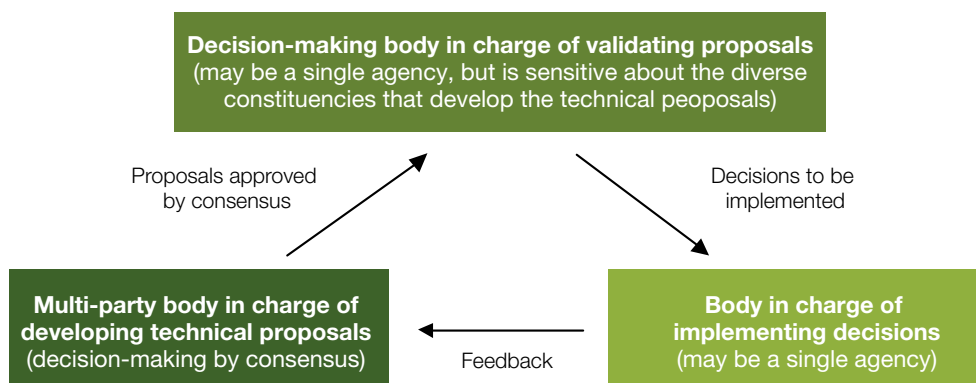


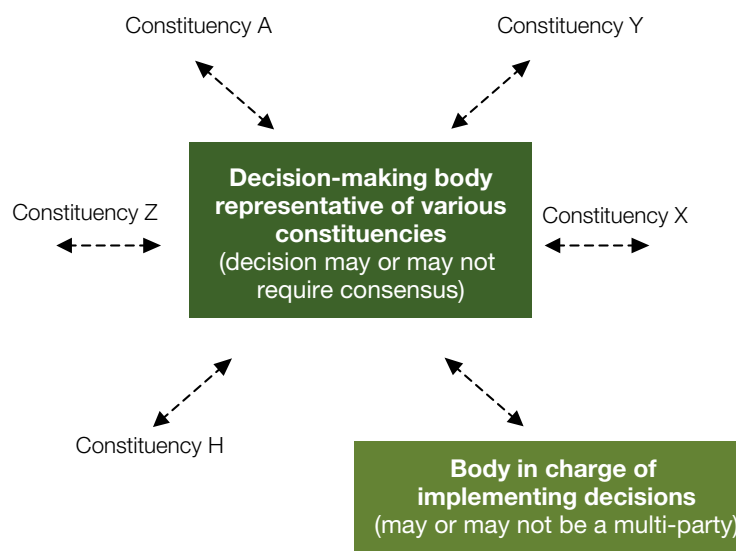
Figure 2. A schematic example of a strong “collaborative governance” situation, inspired by the Galapagos Marine Reserve.<sup>117</sup> Many other combinations are possible.

114 Dearden *et al.*, 2005.

115 Borrini-Feyerabend *et al.*, 2004b.

116 In some countries the term “joint management” is used to describe decision-making arrangements that have little resemblance to a fair sharing of authority and responsibility: terms should always be validated through reality checks.

117 Adapted from Heylings and Bravo, 2001.



**Figure 3. A schematic example of a proper shared governance setting, where communication and feedback with individual constituencies are crucial, as is the transparency of the whole decision-making process.** Legislation approved in 2006 established a similar governance arrangement for all National Parks in France, where decisions are taken by a Board of Administrators including elected representatives, NGOs, economic actors and (in the overseas territories) indigenous authorities. The body in charge of implementing decisions is an Executive Board comprising the Park Director and her/his Team. In addition, numerous Advisory Boards provide decision-making support.<sup>118</sup>

national and sub-national government. In that case, it is more appropriate to call this Type A (governance by government). In Type B, government agencies engage other partners, such as NGOs and local communities or even agencies of other governments, as in transboundary protected areas (see Boxes 6 and 7 for examples). In international waters and the Antarctic, where no single government has full authority, protected areas inevitably need to be under some kind of shared governance agreement.<sup>119</sup>

It is usually possible to distinguish between governance Types A and B. True shared governance should have these three indispensable ingredients identified through a wide-ranging analysis of shared governance examples from all over the world (not only about protected areas):<sup>120</sup>

- a **negotiation process**
- a **co-management agreement** (e.g. an agreement describing roles, responsibilities and expected benefits and contributions from different parties)
- a **multi-party governance institution**

**Transboundary protected areas** are a particularly important form of shared governance, involving two or more governments and possibly other local actors.<sup>121</sup> A transboundary protected area (TBPA) is “an area of land and/or sea that straddles one or more boundaries between States, sub-national units such as provinces and regions, autonomous

areas and/or areas beyond the limits of national sovereignty or jurisdiction, whose constituent parts are especially dedicated to the protection and maintenance of biological diversity, and of national and associated cultural resources, and managed co-operatively through legal or other effective means.”<sup>122</sup>

The establishment of TBPAs by two or more countries or other jurisdictions creates opportunities for enhanced transboundary cooperation in their management. It also helps to encourage friendship and reduce tension in border regions. The principal benefits are:

- promoting international peaceful cooperation, at different levels and in different fora;
- enhancing environmental protection across ecosystems;
- facilitating more effective research;
- bringing investment and economic benefits to local and national economies;
- ensuring better cross-border control of problems such as fire, pests, poaching, marine pollution and smuggling.

TBPAs present unique governance challenges, as they typically involve and affect many parties. If the relevant border is a national border, governance involves at least the protected area agencies of two or more governments. Depending upon the scale and the inclusion of both protected areas and intervening lands and marine environments, however, governance may also involve: the ministries of foreign affairs, agriculture, fishery, minerals and forestry of those governments; several national, provincial, district or local authorities; indigenous peoples and local communities; private landowners; and international NGOs. Often there are multiple legal systems at play, and the laws of various national or sub-

<sup>118</sup> See the information available on line.

<sup>119</sup> Human activities on the high seas (beyond national jurisdiction), the Southern Ocean and the Antarctica are regulated by international treaties (such as the United Nations Convention on the Law of the Sea, the Convention on the Conservation of Antarctic Marine Living Resources and the Antarctic Treaty) and by international organizations (such as the International Maritime Organisation).

<sup>120</sup> Borrini-Feyerabend *et al.*, 2004b.

<sup>121</sup> Dudley, 2008.

<sup>122</sup> Sandwith *et al.*, 2001. Notice, however, that a new definition is being developed that will soon more closely accord with the IUCN definition agreed to in 2008 (see Dudley, 2008).

## Box 6

**Protected areas under shared governance**

**Pilot cases in marine situations.** Two marine protected areas under collaborative governance between government agencies and local communities are Bunaken National Park, in Indonesia, and Apo Island Protected Landscape and Seascape, in the Philippines. In both cases, local men and women substantially benefited in terms of greater empowerment, poverty reduction (through improved fish catches and more jobs) and improved health. Amongst the key ingredients of success are legal support to the governance institutions that involve local community representatives, engagement of entire communities in management initiatives, and understanding and respecting customary uses and access rights. As the authors of the study showing these results concluded: “Marine protected areas need local communities, and local communities need marine protected areas”.<sup>123</sup>

**Country-wide policies inscribed in legislation.**

France has experimented with collaborative management of its regional natural parks (*parcs naturels régionaux*) for over three decades. Forty-four such parks have been created, ranging in size from 25,000 ha to 300,000 ha. Each park is governed by a council of local elected officials and other key stakeholders, which oversees the multi-disciplinary technical team that manages the park. The broad aims are to protect the local natural and cultural heritage, and to promote environmentally sound economic and social development.<sup>124</sup> New legislation approved in 2006<sup>125</sup> extends a similar shared governance model to all national parks (*parcs nationaux*) of France. Similarly in Brazil, Law no. 9985 of the year 2000 and the National Strategic Plan of Protected Areas of 2006 clarify that all protected areas (termed “conservation units”) should establish some multi-sectoral committee with representatives of both the government and society at large, including indigenous and Afro-Brazilian (*Quilombola*) people. This legislation, considered very progressive, is not yet fully implemented.<sup>126</sup>

**Specific agreements negotiated on a case-by-case way.**

The traditional territories of Aboriginal Peoples in Canada span millions of hectares, and the Canadian government has been collaborating with these rightsholders to establish and maintain a large part as protected areas.<sup>127</sup> Thirteen National Parks in Canada, covering 18 million ha, are governed collaboratively between Parks Canada and the Aboriginal Peoples on whose territories they are located. Governance is carried out through a variety of cooperative management boards. While these areas are “set aside” for the benefit of all Canadians, the Aboriginal Peoples maintain their exclusive

rights to continue traditional activities or start new ones in accordance with the agreed conservation objectives. Additional economic benefits are generated from ecotourism.<sup>128</sup>

**Agreements supported by projects.** Moyobamba, a city of about 42,000 inhabitants in northern Peru, depends on three micro-watersheds (Rumiyacu, Mishquiyacu and Almendra) for its water supply. These areas, especially rich in biodiversity, were affected by poor migrant families that sought to convert tropical rain forest to agricultural land. The situation both damaged biodiversity and reduced the quality and quantity of available drinking water. The Moyobamba Municipality declared Rumiyacu, Mishquiyacu and Almendra as municipal conservation areas. A payment/compensation scheme for ecosystem services was designed through a stakeholder dialogue facilitated by GIZ, and involving EPS Moyobamba (the public company responsible for water supply in the city). Now water users compensate upstream farmers for managing the land and conserving the forest that generates the ecosystem services, in particular the provision of good quality water. A management committee was established, which connects the upper and lower watershed stakeholders and facilitates the participation of different stakeholders in decision-making.<sup>129</sup>

**Agreements after land restitution.** One of the world’s first examples of “land restitution” to the indigenous or local community that was forcibly removed in the designation of a protected area took place in Makuleke, South Africa, in 1999.<sup>130</sup> Under the Restitution of Land Rights Act of 1994, the ownership of 20,000 ha of the world-famous Kruger National Park was transferred to the Makuleke people. Considerable controversy had erupted before that, with many conservationists predicting that this would be the end of Kruger. Yet, an agreement was forged between the community possessing customary rights and South African National Parks (SANParks) to manage the area collaboratively as a wildlife reserve for at least 25 years. Since then, many Makuleke youth have been trained as rangers, tourism concessions and investment have been negotiated, and the benefits from tourism generated in the area now go back to the local communities.<sup>131</sup>

**Shared governance as a step in a process of restitution of rights.** The Lanin National Park was created in Argentina in 1937, excluding indigenous communities from access. In 2000, after considerable protest by the Mapuche Confederation of Neuquen (the association representing the Mapuche indigenous people in this part of Argentina), attempts were made to arrive at a settlement.

123 Leisher et al., 2007.

124 Fédération des Parcs Naturels Régionaux, 2006.

125 French Republic, 2006.

126 Marta de Arzevedo Irving, personal communication, 2012.

127 Canadian Parks Council, 2011.

128 Johnston, 2006.

129 Isabel Renner, personal communication, 2010.

130 Uluru-Kata Tjuta restitution, in Australia, was actually concluded in 1985.

131 Fabricius, 2006.



Transboundary handshake between conservation professionals of Burkina Faso and Ghana. © gbf, 2005.

A co-management committee was formed with the clear understanding that community rights to traditional lands would be recognised, formal and informal structures of community involvement would be worked out, all benefits of the park would be shared, and both biological and cultural diversity would be protected. The arrangement managed to resolve some of the tensions between the government and the Mapuche and made the park's management more effective.<sup>132</sup> The Mapuche people, however, are now looking into the potential transformation of the area into a fully fledged ICCA.<sup>133</sup>

**Country-wide change supported by international cooperation.** The Forest Department used to be the sole owner, manager and authority for protected areas in Bangladesh. Between 2003 and 2009, however, under the impulse of a major national programme supported by USAID, co-management institutional arrangements were created and officially recognised for all protected sites in the national system. Some of those are not yet fully operational and need to be better trusted even by the stakeholders that are regularly involved. It has been found that governance changes take time to be understood and become effective; that “one size-fits-all” approaches are not always effective;<sup>134</sup> and that more flexible, and context-fitting shared governance structures will need to be developed. Overall, however, the change in protected area policy, practices and attitudes that is under way is substantial and cannot now be rolled back.<sup>135</sup>

<sup>132</sup> Carpinetti and Oviedo 2006.

<sup>133</sup> Confederación Mapuche de Neuquén, 2009.

<sup>134</sup> World Bank, 2009.

<sup>135</sup> De Cosse et al., 2012.

## Box 7

### Transboundary protected areas

The **Cordillera del Condor** TBPA includes two small protected areas in Ecuador and Peru, linked to a much larger “reserved zone” in Peru, part of a far larger possible El Condor-Kutukú Conservation Corridor along the entire border area, linking several more protected areas. The dense cloud forests of the Cordillera, which include an exceptionally rich biodiversity and several endemic species, have been in dispute for decades. In fact, the idea of reducing conflict and building cooperation was the first driver for the Peace Park initiative, and especially among the local and indigenous communities. A Presidential Act was finally signed in October 1998, when both countries reached an agreement to end hostilities and open new avenues for bilateral cooperation on conservation issues. Since then, the peace process has been consolidated by the establishment and management of protected areas, support to sustainable development projects for local communities and the involvement of the governments of Ecuador and Peru in creating the TBPA. A bi-national steering committee now oversees this initiative and manages the areas “jointly held” between the two countries.<sup>136</sup>

The **Fertő-Tó-Neusiedler See** transboundary national park covers a wetland area of approximately 30,000 hectares shared by Hungary and Austria. Transboundary cooperation for conservation and water management in the area started as early as the 1950s. After the fall of the Iron Curtain, a bilateral expert commission involving experts from both sides and all local stakeholders started the planning process for a joint national park. In Austria, this meant engaging over a thousand families in seven villages, the rightful landowners of about 10,000 hectares of the national park area, through contracts providing for regulations in exchange of compensation payments. In Hungary, the national park was established on State land, including a previous military border zone. The joint Austro-Hungarian National Park Commission operates under the National Park Act in Austria and the National Parks Directive of the Ministry of the Environment in Hungary. It is led by both national park directors and includes local representatives from both countries. Both countries follow their own administration and legal framework for the implementation of the goals of the national park. Instead of elaborating a joint management plan, it was agreed that the national park staff would co-operate closely on issues such as management of cultural landscapes (the area was designated as a World Heritage Cultural Landscape in 2001), visitor management, education, public relations, data exchange, inventorying and monitoring.<sup>137</sup>

<sup>136</sup> See the information available on line. See, however, also Chicaiza, 2012.

<sup>137</sup> Diehl and Lang, 2001.

national political units may confer different sets of rights and obligations upon institutions and individuals.

Governance challenges specific to TBPA<sup>138</sup> include:

- the need to reconcile different (sometimes conflicting) laws and policies, which can reduce the effectiveness of cooperation;
- language barriers, cultural and/or religious differences and even different scales of basic maps that can cause misunderstanding (but can also bring a greater diversity of capacities and resources);
- different capacities, resources, commitment or authority of protected area institutions and staff on either side of the border can lead to dominant/weak relationships;
- lack of parity with regard to ratification of international protocols or conventions, which can prevent using those for transboundary cooperation;
- armed conflict, hostility or political tension between countries that can make cooperation difficult, or even impossible.

Many protected areas governed by government agencies have people living inside or nearby and for them some form of shared governance is often highly desirable and sometimes essential for successful management. Similarly, indigenous peoples, local communities and private interests governing their own protected areas sometimes also invite governmental agencies to help them face impending threats, or to provide funding or technical inputs. Shared governance settings are usually dynamic and evolving, demanding on-going innovation, negotiation and adaptability. The willingness of the partners to engage in the process is crucial.

While there are now numerous examples of effective shared governance regimes, the process still faces many challenges,<sup>139</sup> including:

- inadequate or absent legislation and policies in many countries, including lack of clarity regarding interagency authority and responsibility;
- adoption and implementation of rigid governance models, without the flexibility needed to deal with site-specific situations;
- local and national inequities in power, resulting in inequitable decisions and benefit-sharing;
- inadequate, short-lived, or unreliable government commitments;
- inadequate financial core support ;
- inadequate financial planning, management, fundraising, reporting and accounting skills;
- inadequate capacities, including negotiation capacities, amongst various partners;
- a lack of secure tenure for some rightsholders, resulting in poor commitment to decisions.

### 3.3 Type C. Governance by private actors

Private governance comprises protected areas under individual, NGO or corporate control and/or ownership, which are often referred to as “private protected areas”. Since much of the world’s biodiversity is found on privately owned land, private sector bodies can be important owners and managers of areas set aside to protect nature.

As with all protected area governance types, private protected areas are of several kinds and involve a range of stakeholders, including:

- **individuals** (when ownership is held by a single person, family, or trust);
- **corporations** (i.e., companies or groups of people authorised to act as a single entity, usually controlled by an executive, an oversight board, and ultimately individual shareholders);<sup>140</sup>
- **non-governmental organisations** (i.e., private or semi-private, not-for-profit organisations operating to advance a specific mission and usually controlled by a board and/or regulations; under this definition, NGOs may include religious bodies and organisations with research, teaching or training missions).

Many individual landowners pursue conservation out of respect for the land and a desire to maintain its aesthetic and ecological values. Many NGOs own, lease or manage land specifically for conservation, or receive it for that purpose from individual philanthropists. Corporate bodies may become involved through a sense of corporate social responsibility that includes a commitment to environmental stewardship. Financial benefits, such as revenues from ecotourism and hunting, or reduced levies and taxes as part of government incentives for conservation often support private governance. Usually, however, they are not the primary motive for establishing and managing areas for conservation. In protected areas under private governance, the authority for managing the protected land and resources rests with the landowners, who determine conservation objectives, develop and enforce management plans and remain in charge of decisions, subject to government legislation and site-specific restrictions. If there is no official recognition by the government, the accountability of private protected areas to society cannot be assured. Such accountability, however, may be secured through agreements made with the government in exchange for incentives. For example, land trusts may negotiate conservation easements<sup>141,142</sup>. The National Trust (England, Northern Ireland and Wales) and the National Trust for Scotland operate under legislation that enables them to declare heritage land as held ‘inalienably’ – such land cannot be voluntarily sold, mortgaged or compulsorily purchased

<sup>140</sup> Dudley and Stolton, 2007.

<sup>141</sup> A conservation easement is a type of voluntary legal agreement between a landowner and another party, usually the government, which restricts the development of a piece of land. Under certain conditions, conservation easements are recognised by the U. S. Internal Revenue Service (IRS). If IRS requirements are met, the landowner may qualify for tax incentives.

<sup>142</sup> Brown and Mitchell, 1998.

<sup>138</sup> Sandwith *et al.*, 2001.

<sup>139</sup> Borrini-Feyerabend *et al.*, 2004b.



The only large green space that remains relatively intact close to Kinshasa, in the Democratic Republic of the Congo, is a private protected area established by a former Army Colonel, who had the vision and power to acquire it when such spaces still existed. The water sources he is showing here nourish the protected forest but also several of his own fish ponds and recreational lakes. © gbf, 2012.

## Box 8

### Various forms of private governance

#### Protected areas owned by private companies.

Veracel is a joint venture between the Swedish-Finnish forest company Stora Enso and the Brazilian-Norwegian company Aracruz. The companies' holdings in Brazil include the 6,000 ha forest reserve Veracruz Station (IUCN Category Ia), which is part of the Discovery Coast Atlantic Forest Reserves UNESCO World Heritage site, in the States of Bahia and Espírito Santo. The World Heritage site consists of eight separate protected areas containing 112,000 ha of Atlantic forest and associated shrub (restingas) and conserving a large proportion of the Atlantic forest that remains in Brazil. Veracruz Station was declared under total legal protection by Resolution 240/1998, and is classified as a Private Natural Heritage Reserve.<sup>143</sup>

#### Protected areas established through conservation easements.

A conservation agreement between The Nature Conservancy and Great Northern Paper in Maine, known as the Katahdin Forest Project, is protecting forest land around Baxter State Park (IUCN Category II, 80,800 ha). In 2006 TNC transferred the total conservation easement agreed under the project, nearly 79,000 ha buffering Baxter State Park, to the Bureau of Parks and Land in the State of Maine with a stewardship endowment of half a million dollars to cover management. In 2001, Willamette Industries donated 190 ha of wetlands and adjacent uplands to TNC under a permanent conservation easement. The easement expanded TNC's existing Gearhart Bog preserve, which now makes up 240 ha. Weyerhaeuser Inc. subsequently bought Willamette Industries, and is now a major partner in the preserve. The Gearhart Bog Preserve features several rare plant communities and at just over 140 ha is the largest contiguous wetland of its kind remaining on the Oregon Coast.<sup>144</sup>

<sup>143</sup> Dudley and Stolton, 2007.

<sup>144</sup> Dudley and Stolton, 2007.

#### Protected areas owned by non-profit NGOs.

The Santuario El Cañi, literally "vision that transforms", became in 1990 the first protected area in Chile to be owned by an NGO solely for conservation purposes. El Cañi is located in Araucanía. It includes forests of native Coigüe, Lenga and Araucaria species and is home to many flagship species of fauna, such as the mountain lion (puma), a miniature deer (pudu), the Andean cat (huiña), the Magellan woodpecker and the Andean condor. Increased awareness of the need to protect native forests from logging companies and monoculture prompted the creation of Fundación Lahuen, the NGO that today holds title to the 524 ha of Santuario El Cañi. The NGO established early dialogue with the adjacent community and offered to train local guides. Today, management is in large part delegated to the local Cañi Guides Group, which offers training and environmental education programmes and runs an organic native plant nursery for educational purposes, reforestation and as a supplementary source of income. In addition to the nursery and the environmental education programme, Cañi survives through visitors' donations.<sup>145</sup>

#### Protected areas established as tourism businesses.

Namibia hosts many individually-owned private protected areas, usually combined with tourist accommodation and personalised game drives or walks. Many of these are in desert regions that are not suitable for farming or other uses and provide additional employment for local communities. Accommodation ranges from camping to high end eco-lodges.<sup>146</sup>

<sup>145</sup> Eliana Fischman, personal communication, 2012.

<sup>146</sup> Ministry of Environment of Namibia, 2010.



The alpine landscape of Guassa, in the heart of Ethiopia, has been strictly protected for centuries by the traditional institutions and rules of nine associated local communities. The landscape provides the thatch essential to local homes and is a crucial habitat for the Ethiopian wolf (*Canis simensis*) and the Gelada baboons (*Theropithecus gelada*). © gbf, 2006.

against the Trusts' wishes without special parliamentary procedure.<sup>147</sup> Very occasionally a private protected area may be created by involuntary surrender of some management rights in response to legal restrictions<sup>148</sup> but in most cases the creation of a private protected area is a voluntary act on the part of the landowners. The government and others, however, can promote and recognise this in various ways. Mechanisms and incentives to encourage private landowners to protect their lands include:

- systems of **voluntary protected area designations**, in which landowners agree to certain management objectives or restrictions in return for assistance or other incentives: the Private Natural Heritage Reserves of Brazil<sup>149</sup> are an example;
- **voluntary surrender of legal rights** to land use on private property, sometimes incentivised by fiscal or economic measures to secure protection in perpetuity, or

by compensation measures for the theoretical loss of value: mechanisms include conservation easements and related covenants and servitudes, conservation management agreements and tax incentives;

- **charitable contributions**, where NGOs raise funds privately or publicly for the purchase of land for protection, or receive gifts of land directly from willing donors: this is the case for large international NGOs as well as many national and local ones;
- **corporate set-aside, donations, or management of an area for conservation** stimulated by personal interest of staff and/or desire for good public relations; as a concession or off-set for other activities; because it is stipulated in "green" certification; or as an investment in the future.

Box 8 gives some examples of different forms of private governance.

The role played by private protected areas in conservation can be impressive. In Africa, for example, a long history of private

147 See for example <http://www.nationaltrust.org.uk/servlet/file/store5/item472891/version1/w-our-land.pdf>

148 Dudley, 2008.

149 Schiavetti *et al.*, 2010.



game ranches has provided fertile ground for private protected areas: Southern Africa alone hosts several hundred of them, some covering more than 100,000 ha. In the United States, an NGO, The Nature Conservancy, owns the largest private protected area system in the world with more than 1,300 protected areas covering well over half a million ha.<sup>150</sup> The National Trust, an independent charity which owns 254,000 ha of “land of historic interest and natural beauty” and nearly 710 miles (1,143 kms) of coastline, is the largest owner of land in England, Wales and Northern Ireland after the state-run Forestry Commission.<sup>151</sup>

Although coverage of private protected areas has expanded rapidly in recent decades, much of this “protected estate” remains largely undocumented and little data has been collected globally about their governance structures. There are, in fact, distinctive issues associated with private protected areas in terms of both **visibility** and **accountability**. Until recently, few countries had laws which applied to private protected areas, and, generally, legislative frameworks are still evolving.<sup>152</sup> In some countries the law foresees clear restrictions regarding land use practices. For example, in South Africa landowners can apply for the designation of private protected areas under local, provincial or national laws. If the government decides to recognise a private protected area and include it in the national protected area system, the private landowner must make a commitment to nature conservation, and, at least for a period, its property or development rights are restricted. The conservation restrictions may be included in the property deeds and become binding on successors of title, remaining in place by law even if the land is sold. In cases such as these, the landowners do become accountable to the public,<sup>153</sup> but in many other cases is not clear what such accountability actually entails.

The issue is made more complex by the various forms of **financial and technical assistance or incentives** provided by governments to private conservation initiatives, such as property tax exemptions and grant systems for lands placed in conservation status, and for payments for ecosystem services. These can clearly influence decisions to create private protected areas and the way in which they are managed. In South Africa, the landowner must enter into a contractual stewardship agreement with the State although the agreements can vary in terms of the duration and complexity of the management arrangement.<sup>154</sup> Large areas of privately-owned land in the EU, including much that is within protected areas, are subject to agri-environmental agreements and related payments made to landowners by the government to achieve conservation purposes. Such agreements usually run for only a limited number of years.<sup>155</sup>

A growing interest in landscape-scale conservation has encouraged groups of neighbouring private landholders to

form collaborative conservancies that jointly or cooperatively manage large conservation units. While individual ownership is retained, the private protected area units are effectively managed as a single entity;<sup>156</sup> this means that private landowners are accountable to one another, helping to enforce common conservation objectives and management plans. Such large scale initiatives may go even further and also involve a variety of other governance types, with government and/or community groups managing extensive areas in concert, with the private protected areas, all working together as part of a wider model of shared governance.

Private protected areas also address accountability by forming associations involved in a variety of programmes, from education to monitoring and surveillance. Examples include the Land Trust Alliance in the United States, with its stringent certification of adherence to best practice guidelines, and the recently-formed private protected area associations in Chile.<sup>157</sup>

As with all types of protected area governance, the most important factor determining the scope and direction of private protected areas is the legal and social environment in which they operate. Secure property rights over land, water and natural resources and legal security for conservation efforts are essential for any long-term conservation strategy that involves private sector participation and investment.<sup>158</sup> An enabling environment, which is based on a conservation ethic and includes a sound framework for natural resource governance at local and national levels, will encourage the private sector to engage in conservation, to be accountable and innovative, and to adopt sustainable economic practices.<sup>159</sup>

### 3.4 Type D. Governance by indigenous peoples and local communities

IUCN defines this governance type as: “protected areas where the management authority and responsibility rest with indigenous peoples and/or local communities through various forms of customary or legal, formal or informal, institutions and rules”.<sup>160</sup> It thus includes two main subsets:

- territories and areas conserved by indigenous peoples
- territories and areas conserved by local communities

As the definitions of “indigenous peoples” and “local communities” are complex and evolving<sup>161</sup> the separation between the subsets is not always precise. But both subsets are applicable to sedentary and mobile peoples and

<sup>150</sup> Langholz and Krug, 2004.148 Dudley, 2008.

<sup>151</sup> <http://www.countryside.co.uk/countryside/article/506868/Who-owns-Britain-Top-UK-landowners.html>

<sup>152</sup> One decisive and controversial point is whether the landowner’s commitment will be maintained over time.

<sup>153</sup> Dudley, 2008.

<sup>154</sup> Sandwith *et al.*, 2009.

<sup>155</sup> [http://ec.europa.eu/agriculture/envir/index\\_en.htm](http://ec.europa.eu/agriculture/envir/index_en.htm)

<sup>156</sup> IUCN, 2003c.

<sup>157</sup> Brent Mitchell, personal communication, 2012.

<sup>158</sup> Langholz and Krug, 2004.

<sup>159</sup> There is a further discussion of private protected areas in the context of ‘Appropriate recognition and support’ at Section 5.3.

<sup>160</sup> Dudley, 2008. We adopt in this document the definitions of “indigenous peoples” and “local communities” described in the IUCN literature, notably Borrini-Feyerabend *et al.*, 2004a.

<sup>161</sup> The CBD has dedicated some expert meetings to the topic and it is likely to visit it again in the current Biodiversity Decade.

communities. And both relate to some type of “**commons**” — that is **land, water and natural resources governed and managed collectively by a community of people**.<sup>162</sup>

An effective governance regime under this type implies that the indigenous peoples or local communities possess an **institutional arrangement** that takes decisions and develops rules for the land, water and natural resources. Customary and local institutions can be diverse and relatively complex. Land, for instance, may be collectively owned and managed, but particular resources, such as types of trees, may be managed individually or on a clan basis. Different indigenous peoples or communities may be in charge of the same area at different times of the year, or of different resources within the same area. Moreover, the institution recognised by the government as the legal administration for a community may not be the one actually in charge of the cultural and spiritual tasks involved in managing a site. Despite real or perceived complexity,<sup>163</sup> customary community institutions function effectively and make important contributions to conservation.<sup>164</sup> Yet, many are not legally recognised. What is more, even the indigenous peoples and local communities themselves may not be recognised as a “legal subject” by some governments.<sup>165</sup>

In the past ten years the value and importance for conservation of biodiversity governance by indigenous peoples and local communities, arguably the oldest form of conservation on earth,<sup>166</sup> has at last been formally recognised.<sup>167</sup> The term **Indigenous Peoples’ and Community Conserved Territories and Areas ( ICCAs)** is now being used to describe “natural and/or modified ecosystems, containing significant biodiversity values, ecological benefits and cultural values, voluntarily conserved by indigenous peoples and local communities, both sedentary and mobile, through customary laws or other effective means”.<sup>168</sup>

There are **three essential characteristics**<sup>169</sup> of ICCAs:

- an indigenous people or local community possesses a **close and profound relation** with a site (territory, area or habitat)
- the people or community is the major player in decision-making related to the site and has **de facto and/or de jure capacity to develop and enforce regulations**
- the people’s or community’s decisions and efforts lead to the **conservation of biodiversity, ecological functions and associated cultural values**, regardless of original or primary motivations

ICCAs include some of the world’s oldest protected areas.<sup>170</sup> Some exemplify sustainable management of ecosystems and use of wildlife that have continued for generations, while others are emerging anew through the intentional regeneration of ecosystems and habitats. The reasons for their existence, continuance and emergence are varied, including maintaining food sources and watersheds, respecting religious and cultural sentiments, countering depletion of life-sustaining resources, preventing natural disasters or conserving wildlife and ecological benefits. The institutions that govern ICCAs are also very diverse. Some are traditional institutions that have continued through time with very little alteration in the way in which they are organised or work. Other indigenous peoples and community institutions have recently been revived in contemporary forms. Still others are novel organisations, which develop new sets of rules. Two common threads for all such institutions are that they represent **local rightsholders** and that their roots lie in **traditional and local knowledge and skills**.<sup>171</sup> In other words, ICCA-governing institutions are the expression of the local peoples who bear relevant accumulated experience<sup>172</sup> and are directly interested in protecting or restoring specific sites and/or using natural resources in sustainable ways.

A distinction should be made between governance by indigenous peoples and local communities (ICCAs) and governance by the lowest administrative level in a given country (normally Type A). The latter may be the level of a rural municipality, commune or parish. At times the level is called “community-level administration” or, as in Madagascar, it may have taken over the name of the traditional lowest level of historical and cultural aggregation.<sup>173</sup> It is important to distinguish Types A and D because the characteristics of their governance tend to be profoundly different but also because traditional communities may need the lowest administrative level to validate their governance and management plans in

162 The literature on this type of governance and tenure is quite extensive and most of it is freely available on line (see the Digital Library of the Commons or the International Land Coalition website). For clarity, however, a distinction should be made between the “commons” and communal lands in general. Communal lands in general (e.g. tribal or village territories) cover lands held by individuals and families as well as those under collective tenure (Alden Wily, 2012). Only the latter are the focus of this governance Type D.

163 Such apparent “complexities” may reflect beneficial systems of social reciprocities and tenure security that have stood the test of time. Modern systems of registered land tenure miss out the aspect of “negotiability” of different rights for different users, which characterise many traditional systems and tend to evade codification and exact spatial definition. Modern systems are also inflexible and difficult to change, and titling of commons can be ineffectual or even detrimental, as it tends to neglect secondary rights.

164 Kothari *et al.*, 1998; Borrini-Feyerabend *et al.*, 2010.

165 An indigenous people or local community can constitute a “body corporate” and hold land and resources in common with collective rights emanating from constitutional or other land law authority (Lausche, 2011). This, however, is not always recognised or respected by the relevant State administrations, creating a barrier to realising the full extent of their rights and responsibilities under customary and international law (Holly Shrumm, personal communication, 2013).

166 Posey, 1999; Borrini-Feyerabend *et al.*, 2003b.

167 Institute on governance, 2002; IUCN, 2003a; CBD Decision VII.28, Kuala Lumpur, 2004. ; CBD Decision XI.14, XI.16 and XI. 24, Nagoya, 2010; IUCN, 2012a.

168 See Borrini-Feyerabend *et al.*, 2004a and Dudley, 2008; Borrini-Feyerabend *et al.*, 2010; Kothari *et al.*, 2012. Please note that the concept of ICCAs was evolving while these early publications were being developed. While such publications discussed the phenomenon as “Community conserved areas” and, later, as “Indigenous and community conserved areas”, the current spelling of ICCAs as “Indigenous peoples’ and community conserved territories and areas” reflects better the contributions of indigenous peoples, with emphasis on “peoples” and “territories”, which are richer concepts than “communities” and “areas”.

169 Because of these essential features, ICCAs are a subset of the areas and territories globally used and controlled by indigenous peoples and local communities, but a subset crucial for them and their culture, and for conservation. Noticeably, the third feature spells out a stricter conservation requirement for ICCAs than is generally the case even for State-governed protected areas.

170 Cf. the definition of protected area given in section 1.2.

171 See, in this respect, Articles 8j and 10c of the CBD and CBD Aichi Target 18.

172 Pathak, 2009.

173 The traditional Malagasy term is *fokonolona*, which coincides with the inhabitants of a village and caretakers of a given ancestral domain. *Fokonolona*, however, is also a term used by the colonial legislators to define the lowest administrative level. That level, which was once controlled by administrators appointed from above but is now under a kind of elected body, does incorporate many traditional *fokonolona* but maintains next to nothing of their traditional attributions.



In an ancient ceremony (*ngillatun*) the indigenous peoples of southern Chile ask the spirits to support the reproduction of the *pewen* tree (*Araucaria araucana*), which plays a central role in their social, economic, and spiritual life. These people are so connected to the *pewen* tree that they call themselves Mapuche-Pewenche – the people of the Araucaria tree. © Asociación Mapuche Pewenche Markan Kura, 2003.

order to function effectively.<sup>174</sup> The distinction can in fact be made by looking at where accountability for land, water and natural resources lies. If reporting and accountability move up to higher levels of government, the situation is more akin to Type A. If they move down to local communities and groups, then it is more akin to Type D.

A more complex situation arises if an ICCA is governed by a tribal government, such as the Tla-o-qui-aht Tribal Parks (Canada) or a Navajo Tribal Parks (USA). These tribal governments are not the “lowest administration level in a country”: they are the governments of indigenous nations. While it is up to them to decide how to label their governance type, we will assume in this work that they fit governance Type D as they carry out governance on behalf of their own peoples.

Our knowledge of the land, coastal and marine areas coverage under ICCAs is still partial. But three to four hundred million hectares of forests worldwide are under community management, most with some level of conservation objective.<sup>175</sup> For instance, a fifth of the Amazon is within indigenous reserves, and many are *de facto* more strictly protected than the state governed protected areas.<sup>176</sup> In the Philippines, most identified Key Biodiversity Areas overlap with the indigenous peoples’ Ancestral Domains in forest environments.<sup>177</sup> Thousands of locally-managed marine areas exist throughout the Pacific.<sup>178</sup> Hundreds of ICCAs

have also been identified in South Asia, notably in India,<sup>179</sup> while community resource reserves abound in Africa<sup>180</sup> and the conserved territories of mobile (transhumant) indigenous peoples cover millions of hectares in the Sahel and in Central and West Asia.<sup>181</sup> In Australia, Indigenous Protected Areas (IPAs) contribute nearly 30 per cent of the total protected area estate.<sup>182</sup> Most of them have been self-declared in the last few years, and the largest terrestrial protected area of Australia, yet another IPA, has just been declared in 2012.<sup>183</sup>

Overall, it has been estimated that indigenous territories cover 22% of the earth’s terrestrial surface and “coincide with areas that hold 80% of the planet’s biodiversity”,<sup>184</sup> but there is still much more to understand about areas governed by non-indigenous local communities (peasant, fishing, pastoral and others). Not all indigenous territories and community governed areas, however, are ICCAs, as conservation of valuable biodiversity may not be evident, and/or the governing system may not be functioning well. Still, on the basis of survey data accumulated over several years, a recent estimate concludes: “ICCA may number far more than the current officially designated protected areas (which number about 130,000, and are mostly governed by government agencies) and cover as much if not more than the area covered by them (nearly 13% of the earth’s land surface)”.<sup>185</sup>

174 In Senegal, for example, validation is needed by the local Rural Municipality (*Communauté Rurale*) for an ICCA to be recognised and assisted by governmental agencies (Ndiaye and Dieng, 2012).

175 Molnar *et al.*, 2004.

176 Nepstadt *et al.*, 2006; Schwartzman *et al.*, 2010 ; Porter-Bolland *et al.*, 2011.

177 Nelson Devanadera (protected areas and Wildlife Bureau), communication at the Conference “Nature in the Footsteps of our Ancestors”, Manila, March 2012.

178 Govan *et al.*, 2009.

179 Pathak, 2009.

180 Barrow and Murphree, undated.

181 See Chatty and Colchester, 2002; and the WAMIP web site.

182 Australian government, 2012. “Nearly 30%” is an estimate as a new and very large IPA was recently established.

183 This is the Southern Tanami Indigenous Protected Area, covering more than 10 million hectares.

184 Sobrevilla, 2008.

185 Kothari *et al.*, 2012.

## Box 9

**Examples of collective governance by indigenous peoples and local communities****Indigenous peoples' conserved territories.**

Indigenous peoples' territories exist throughout the Amazon and many are fully recognised by State government as being under collective local/ traditional governance. In Colombia indigenous peoples possess common rights to land, water and natural resources as well as rights to autonomous governance and full respect for their cultures. Their *resguardos* cover 34 million hectares of land, or almost 30% of the national territory, whilst five million hectares have also been adjudicated as collective property to the Colombian communities of African descent.<sup>186</sup> Many ICCAs exist and prosper in these Colombian territories,<sup>187</sup> including areas jointly conserved by different indigenous peoples.<sup>188</sup> Similar cases, but with different levels of recognition of collective rights also exist in Bolivia, Brazil, Ecuador, Peru and Venezuela. Many of these indigenous territories are at the forefront of battles against damaging or destructive "development" in the Amazon, such as mega-dams (e.g., the Belo Monte dam in Brazil), highways (e.g., the international road planned to cross indigenous territories and the Isiboro Secure National Park of Bolivia), oil and gas exploration and extraction (e.g., in the territory of the Kichwa Peoples of Sarayaku<sup>189</sup> in Ecuador) and mining (e.g., the open-cast gold mines in Cajamarca, Peru).

**Group ranches conserving wildlife.** A relatively new trend towards establishing ICCAs has emerged in Kenya's rangelands, driven largely by Kenya's tourism industry and the desire of Kenya Wildlife Service and conservation organisations to provide incentives for habitat conservation. Tourism operators have established contractual agreements with local communities, organised through some Group Ranch committees, for land to be set aside as a 'conservancy' in exchange for payments to the community, based on annual fees or proportional payments (e.g., a percentage of gross or net revenues). The first of these community conservancies was established as the Kimana Group Ranch near Amboseli National Park (Kajiado District) in 1996. Since then, local conservancies have proliferated in areas such as Laikipia, Samburu, Kajiado, and Narok Districts, with important consequences for wildlife conservation.<sup>190</sup> Despite the challenges faced by the conservancies (e.g., land fragmentation, disputes), the amount of Kenya's wildlife found in private (individual and communal) conserved areas is now greater than that found in formally designated government protected areas.<sup>191</sup>

186 Van der Hammen, 2003.

187 Riascos de la Peña, 2008; and Asatrizy and Riascos de la Peña, 2008.

188 Luque, 2003.

189 Cf. the very recent judgement of the Interamerican Commission on Human Rights in favour of the Kichwa Peoples of Sarayaku versus the State of Ecuador, which violated their rights to property and decision-making with respect to their ancestral territory, rights to prior informed consent and rights to continue practicing their traditional livelihood activities. See the information available on line.

190 Blomley *et al.*, 2007.

191 Western *et al.*, 2006.



The indigenous peoples of Palawan (the Philippines) resist mining and oil palm monocultures on their island. © Dario Novellino, 2011.

**Sacred sites and ancestral domains.** In China, ICCAs include sacred natural sites, community forests and rangelands subject to customary governance. The size of sacred natural sites varies greatly (from individual compounds to entire regions).<sup>192</sup> Some rangelands in the headwaters of the Yangtze River, restored and managed by the Tibetan communities with traditional grazing rights, have ICCA characteristics.<sup>193</sup> Sacred hills, lakes, groves and sources are common throughout South-East Asia, and often conserve biodiversity in the face of mining, timber concessions, mono-cropping expansion (e.g., for palm oil) and indiscriminate tourism businesses.<sup>194</sup> Recently their role in preventing disasters related to extreme weather events has come to fore. In Mindanao (the Philippines) the few areas that remained unscathed by the cyclone that ravaged the south of the island in December 2011 were in watersheds "protected" by the heavily forested ancestral domains of the indigenous peoples in the Mount Kalatungan range, whereas the "developed" watersheds experienced huge mudslides, with villages destroyed and hundreds of deaths.<sup>195</sup>

**Native territories managed as wilderness.** Native American reservations in the USA cover more than 22 million ha, most of which is not managed as wilderness or wildlife preserves, but some of which is. In 1979 the Confederated Salish and Kootenai Tribes of Montana were the first to set aside nearly 40,000 ha as a wilderness reserve. The Nez Perce followed suit, and so have the Assiniboine and Sioux tribes, the Chippewa and others. On the West Coast of the USA, several tribes have even joined forces to establish a consortium to protect the Sinkyone Wilderness along the Lost Coast, which they have determined will never again be commercially harvested. In Florida, the Seminole Indians developed their own Everglades initiative, electing to re-flood and restore close to 1000 ha of original Big Cypress wetlands.<sup>196</sup>

192 Li Bo *et al.*, 2007.

193 Marc Foggin, personal communication, 2010. See information available on line.

194 A rapid survey for Cambodia is reported in Borrini-Feyerabend and Ironside, 2010.

195 Dave de Vera, personal communication, 2012.

196 Bowden, 2010.

## 4. The IUCN Protected Area Matrix and the finer nature of governance types



It is not only land ownership that determines governance type and conservation status. The Bogdan community (Turkey) does not own the local forest, but has vigorously argued for its maintenance and, so far, managed to achieve it. © gbf, 2007.

As noted in Section 1.4, there is a distinction between governance and management. The two functions are closely connected but need to be distinguished. In fact, both the IUCN definition of a protected area and the IUCN management categories are “neutral” with respect to governance authority and to land and resource tenure. The system of categories refers to the *objectives* of managing protected areas, but is not designed to determine who takes decisions about how to manage them.

The IUCN Guidelines for Applying Protected Area Management Categories state that **protected areas of all categories can be governed (and owned) by governmental agencies, NGOs, communities, indigenous peoples, companies and private parties** – either alone or in combination.<sup>197</sup> The IUCN Guidelines for Protected Area Legislation moreover make clear that governance is a separate consideration from tenure<sup>198</sup> “*although tenure is important when considering the appropriate governance approaches for a particular site.*” In fact, protected areas in any governance type may comprise a variety of tenure rights, such as those derived from mixed tenure, delegation, leasing and agreements. Whereas in

Sweden, national protected areas must be exclusively established on State-owned land, in many other countries, such as the UK or Italy, protected areas include large areas under private ownership: this is especially the case in Category V protected areas.<sup>199</sup> In Mexico, most federal protected areas are on land that is not State-owned but under collective community ownership (*ejidos*).<sup>200</sup> It is not land ownership but the governance body, or the combination of governance bodies, which determines the governance type.

The relationship between governance type and management category is shown in the IUCN Protected Area Matrix (see Table 5). This is particularly useful in helping to visualise the combinations of management category and governance type that can occur within a system of protected areas. The Matrix is a tool to think through and classify what combinations of management category and governance type exist or might exist in a country’s protected area system. It is especially valuable in demonstrating that a national system of protected areas could include much more than the places that the government itself runs and recognises as official protected areas.

197 Dudley, 2008.

198 Lausche, 2011.

199 For further guidance on Category V protected areas, see Phillips, 2002.

200 Secretaría de Relaciones Exteriores de la Dirección General para Temas Globales, México, personal communication, 2012

**Table 5. The IUCN Protected Area Matrix – a classification system for protected areas comprising both management category and governance type**

Management Category	A. Governance by government			B. Shared governance		C. Private governance			D. Governance by indigenous peoples and local communities		
	Federal or national ministry or agency in charge	Sub-national ministry or agency in charge	Government-delegated management (e.g. to an NGO)	Transboundary governance	Collaborative governance (various forms of pluralist influence)	Joint governance (pluralist governing body)	Conserved areas established and run by individual landowners	...by non-profit organisations (e.g. NGOs, universities)	...by for-profit organisations (e.g., corporate landowners)	Indigenous peoples' conserved areas and territories – established and run by indigenous peoples	Community conserved areas and territories – established and run by local communities
I a. Strict Nature Reserve											
Ib. Wilderness Area											
II. National Park											
III. Natural Monument											
IV. Habitat/ Species Management											
V. Protected Landscape/ Seascape											
VI. Protected Area with Sustainable Use of Natural Resources											

Management categories and governance types are simple concepts designed to capture the main features of protected area system – but they can hide a much more complex reality, as the previous section has explained. To restate the points:

- it is not always easy to assign a governance type to a protected area;
- some protected areas combine features of several governance types;
- governance arrangements often change over time.

To illustrate the complexities and the finer nature of shared governance as it occurs on the ground, Figures 4, 5, and 6<sup>201</sup> show how different parties (a government agency, local rightsholders and stakeholders, a supporting NGO) might look upon questions of sharing authority, responsibility and accountability in governing protected areas. Each figure shows a continuum of decision making approaches, with a central role accorded to negotiation.

Different protected areas within the same governance type could be differently positioned along the continuum. Moreover for particular protected areas, the position in the continuum could vary for different kinds of governance decisions.

For example, the decision to establish the protected area may have been taken by the government alone, but the boundaries, zoning and rules in each zone may be the result of agreements with local rightsholders. In such a case, it may not be easy to decide which of the four basic governance types should be assigned to the protected area. However, it should be possible to determine which is the dominant one, while additional information, drawn from analyses such as in Figures 4, 5 and 6, may help to explain how the area's governance works out in practice.<sup>202</sup> For example, the matrix has been adapted in Table 6 to describe the governance arrangements for Retezat National Park, Romania.

<sup>201</sup> These figures are adapted from Borrini-Feyerabend, 1996.

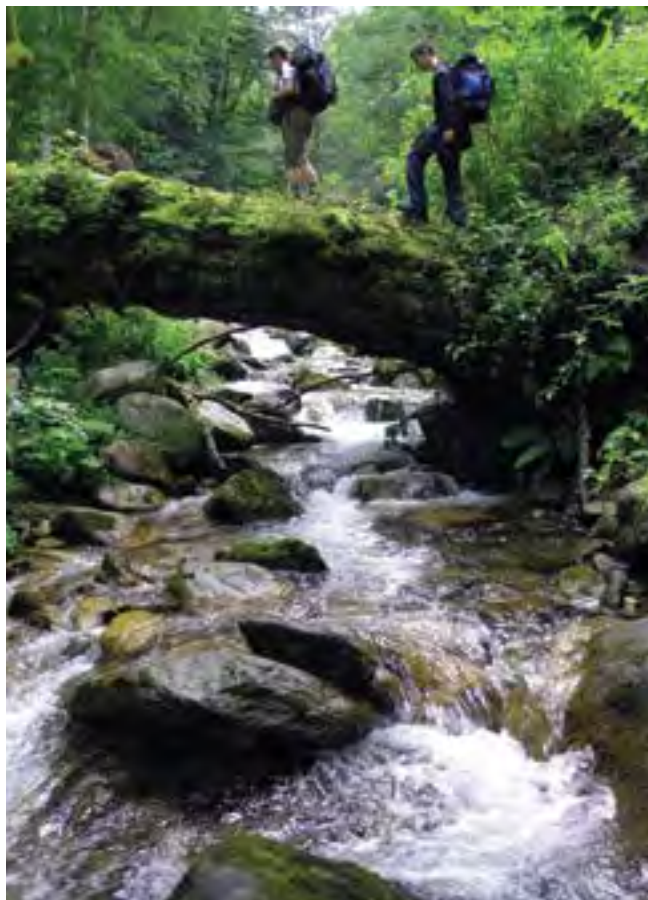
<sup>202</sup> Some critical observations to the governance typology adopted in this volume can be found in the specialised literature. These criticisms describe the typology as – basically – too simple to represent a much more complex reality (Paterson, 2010; Paterson 2011). While the merits of the criticism are recognised in this volume, the authors remain unconvinced that a more complex and numerous set of governance types (Eagles, 2009; Paterson, 2010; Paterson, 2011) would add much to the comprehension of the phenomenon or even to its classification potential.



Table 6. **A “reduced Matrix” for Retezat National Park, Romania**<sup>203</sup>

Governance Type / Management Category	A. Governance by government	B. Shared governance	C. Private gov.	D. Gov. by indigenous peoples and local communities
II. National Park	Ministry of Environment (MoE) <b>designates</b> the PA  MoE <b>delegates</b> management to the National Forest Administration for: coordination, planning, financing, operation, monitoring and evaluation	A Consultative Advisory Council has a general <b>advisory</b> role and a Scientific Council is in charge of <b>advising</b> about the 5 year operation plan, which includes all approved projects (i.e. the Scientific Council can seek to stop harmful development initiatives)		

In some cases a protected area of given governance type is “nested” within another type.<sup>204</sup> An example would be a large protected area under governance Types A or B containing one, or more, smaller protected areas under governance Types B, C or D. Repovesi National Park (Finland) is a case in point.<sup>205</sup> Like all Finnish protected areas,



The governance and management of Retezat National Park concern a variety of rightsholders and stakeholders. © Andreas Beckmann

Repovesi is government-governed (Type A). But within its borders there is a 1,400 ha forest established as Nature Reserve, called Aarnikotka. This reserve is on land owned by a company called UPM<sup>206</sup> and operates under a governance arrangement that is a hybrid of Types B and C. Its decision making board includes two members from Metsähallitus, the national environmental agency, two members from regional authorities and two members from UPM. This would suggest that Aarnikotka is under shared governance, but the Chair of the board is always from UPM, the conservation commitment is entirely voluntary and the decision-making body has no obligation to report to anyone, all features that relate to private protected areas. Incidentally, Repovesi also includes a military area inside its boundaries, to which there is no public access.

Sometimes an ICCA (Type D) is included within government-governed protected areas (Types A or B). The sacred valleys of the Sherpa people of Nepal within Sagarmatha (Mt. Everest) National Park<sup>207</sup> or the community conserved mangrove core area of Fadjouth, within Joal-Fadjouth National Park, in Senegal,<sup>208</sup> are cases in point. Many other ICCAs within protected areas go unrecognised. Local people told one of the authors about the fines and even injuries that they had suffered at the hands of armed park guards when they tried to enter the W National Park, in Benin, to perform ceremonies in traditional sacred areas. These sacred areas remain undocumented and unrecognised, since the protected area was established on state-owned land in which it was assumed that there were no prior customary claims.

Sometimes a government recognised protected area is included within a larger ICCA. In Iran, Kushk-e Zar (Namdan) is a wetland of international importance (Ramsar Site) within the traditional migration territory of the Kuhi, one of the tribes of the Qashqai Confederacy. The Kuhi are a mobile indigenous people. They conserve their territory in a voluntary way and Kushk-e Zar, which is essential for the viability of their entire territory, is actively protected from those outside interests that, for several years, have attempted to drain it for agriculture.<sup>209</sup>

203 Erika Stanciu, personal communication, 2012.

204 This is similar to the case of protected areas of different management categories nested within one another. See the specific discussion of this in pages 36-37 of Dudley, 2008.

205 Erika Stanciu, personal communication, 2012.

206 One of the largest fibre companies in the world, self described as world’s largest supplier of energy wood.

207 See the “speaking case” dedicated to this example.

208 Inejih and Sall, 2010.

209 Naghizadeh et al., 2012.



SPEAKING CASES

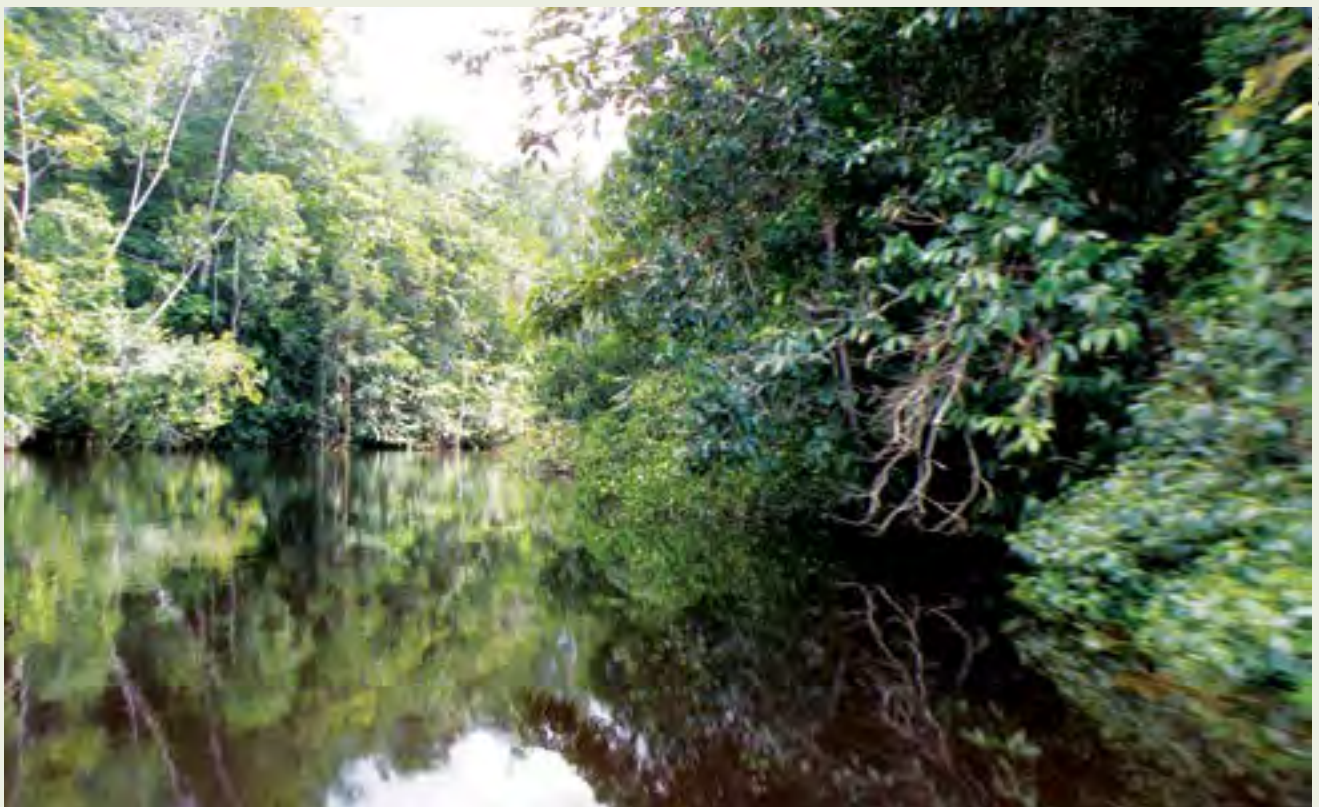
## Biological and cultural diversity— close allies for conservation

The indigenous territory of the Yapú, locally referred to as Umu–Kaya Yepa, covers 150.000 hectares of wet tropical forest in the Amazon region of Colombia, governed and managed according to the rules and Traditional Calendar of the Kumuã Yoamarã, the union of elders/shamans of the different ethnic groups in the territory. The Yapú is legally recognised as a collective property of its indigenous peoples on the basis of the Constitution and laws of Colombia. Custody is assigned to ASATRIZY, an association established by the traditional authorities. The leaders have formulated a Life Plan (*Plan de Vida*) that describes their priorities for their own life and the management of their territory.

Unlike many other communities in the Amazon, the village of Puerto Nariño is still relatively far from “development” pressures: access to it requires first a flight to the regional capital, then a small plane to a clearing in the forest and, finally, a ride in a small boat for an hour along the meandering ways of the Yapú. One of the head shamans of Puerto Nariño, a fierce-looking man named Benedicto Mejía, recalls the story of its people: “In Ipanoré the people who first received the knowledge to be able to live here were the Waimajã (fish people); the Yepabajarimasa (land people); Umurecóomajã (sky people); Ucómajã (medicine people); Utãpinomasã (people who guide the stones)”. Among the



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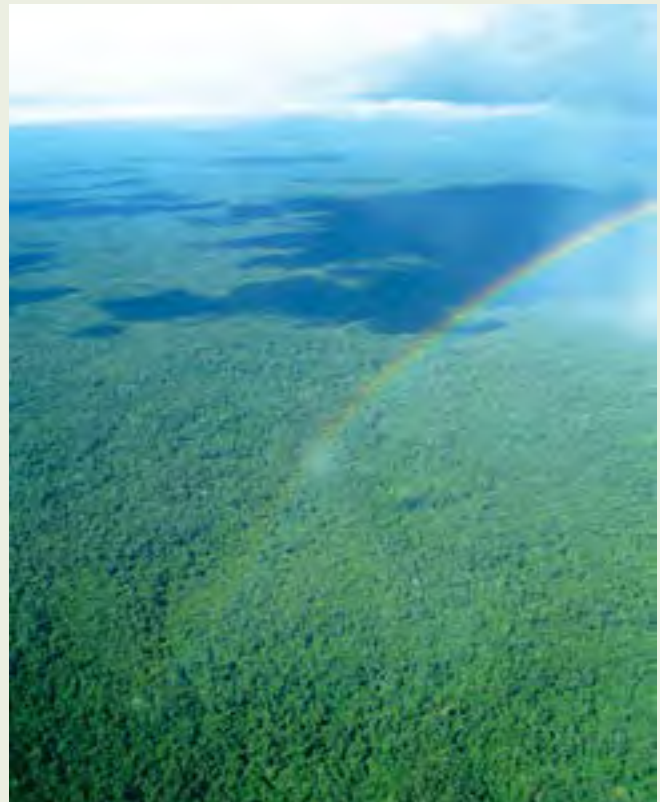


© gbf, 2009.

Yapù, life revolves around the ceremonies managed by the Kumu, the shaman who holds the traditional knowledge for the community's capacity to lead a good life. The space where people share knowledge and power is the *maloka*, their collective house. Some families are specialised as Kumuã (traditional knowledge guides), others as Yoamarã (historians, dancers, singers and players of sacred instruments) and speakers for the community. But centuries of invasions and contacts with foreigners left their impacts. The indigenous peoples started using modern clothes, were forced by missionaries to abandon the *maloka* for smaller "family" houses, and young people were called to schools far away and lost a good part of their respect for the traditional authorities.

Juan Carlos Riascos de la Peña, biodiversity expert and long-time friend of the people of the Yapù, adds what he has understood through many years of participation and work, including while he was Director of Protected Areas in Colombia.<sup>210</sup> "Umu-Kaya Yepa is not a protected area in terms of legal standards, but it operates as one *de facto*. From ancestral times up to today, both its biodiversity and cultural values have been maintained by the strong indigenous governance structure and the intimate interdependence of the communities and their ecosystems. This is a great example of what IUCN and others refer to as "ICCAs". And why is biodiversity so well conserved here? Because the people managed to maintain at least some of their traditional ways of using, managing and culturally understanding nature, according to their traditional rules and shamanic calendar. The erosion of this would inevitably lead to an erosion of biodiversity. Let me say that there is one major threat, today, to the resilience of the culture and ancestral rules for the use of biodiversity in the Yapù, and this is the possibility that the State authorises some mining explorations and/or exploitation in the area. Mining the subsoil is a right reserved to the State,<sup>211</sup> and ASATRIZY cannot legally deny entry for that. That would introduce a complex process of social change with likely irreversible impact on the indigenous culture and, inevitably, on biodiversity."

In recent decades, the indigenous communities in the Yapù have made some very important advances in their Life Plan. They have listed the management rules that everyone—insiders and outsiders— must obey to conserve nature. They are developing their economy in a collective way, avoiding individual property issues. And, with the help of the Ministry of Education, they have even taken back the control of learning for their children and youth. Some years ago, if children wanted to attend school, they had to leave the village and break with the community life and calendar of ceremonies. Many lost their ways and forgot what they had learned with the elders. Some even started losing their language. But now matters are improving. The communities have a "double education" system: the youth can remain in



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© gbrf, 2009.

their village and learn both their own culture via the traditional leaders, and the cultures of other people via other teachers. The indigenous peoples of the Yapù are determined to continue governing their territory, and implementing their *Plan de Vida*.<sup>212</sup>

210 Juan Carlos Riascos de la Peña, personal communication, 2008 and 2012.

211 A licence needs to be provided by the Environmental Authority after an Environmental Impact Analysis.

212 ASATRIZY and Riascos de la Peña, 2008; Corporación Ecozoica, 2011.

## 5. Voluntary and ancillary conservation



In Mindanao (The Philippines) the ancestral domain of a Manobo tribe of Soté lies at the heart of a large forest nearly entirely consumed, in recent decades, to provide raw material for a paper and pulp company. The ancestral domain includes a scenic waterfall and is home to the Philippine Eagle, but has no official protected status. The ancestral domain is still relatively intact, however, as it was staunchly defended by the Manobo. © gbf, 2011.

Many systems of land and water management support high levels of biodiversity, including critical biodiversity, outside the formal system of protected areas.<sup>213</sup> As schematically shown in Figure 1 in page 15, these can include such varied types of sites as: tourism reserves and military no-go areas, privately conserved estates and ICCAs, well-managed farming systems, commercial hunting operations, watershed protection areas and village forests. In some such cases, the term “**voluntary conservation**”<sup>214</sup> captures the idea that those who exercise governance do so consciously and without constriction, in ways that are fully compatible with conserving biodiversity values. In other cases, the term “**ancillary conservation**” is more appropriate, since conservation is an unintended (though welcome) consequence of management for other purposes. For instance, the vast Barry Goldwater Bombing Range in Arizona, on the border

with Mexico, contains what is probably the best surviving remnant of the spectacular Sonora Desert. As the name implies, it was not exactly set up for nature conservation, but the US Army does contract biologists, archaeologists and anthropologists to conserve cultural and natural values there and to facilitate visits by the Tohono O’odham to their sacred places. Even when conservation is ancillary, there can thus be room for engaging in explicit and effective conservation activities. The terms voluntary or ancillary conservation can also often apply to sacred natural sites (see Box 10).

While ancillary conservation is incompatible with the IUCN definition of protected area, voluntary conservation can be compatible. But territories and areas under voluntary conservation, for a variety of reasons, are often not formally recognised, legally protected or even valued as part of national protected area systems, even when such territories and areas fit the IUCN definition of protected area.

213 SCBD, 2010.

214 Lausche, 2011.

Box 10

### Sacred Natural Sites

Sacred natural sites (SNSs) are areas of land or water having special spiritual significance to peoples and communities.<sup>215</sup> They consist of natural features, such as mountains, forests, lagoons, caves and islands, which are often unique and can have great importance for the conservation of nature and associated cultural values. Sacred natural sites may be sources of healing water and medicinal plants, or places of contact with the spiritual realm. They often include well conserved habitats, as well as burial grounds of ancestors, pilgrimage sites, sites of actual or pre-existing religious buildings, and sites associated with special events, saints and spiritual leaders.<sup>216</sup> Their governing institutions are extremely diverse.

SNSs share some characteristics with ICCAs, as they are sites and landscapes or seascapes voluntarily conserved by non-governmental institutions. Many SNSs are also included in official protected areas. While such a modern form of protection is at times perceived as reinforcing pre-existing cultural values, at other times it is regarded as an undue interference.<sup>217</sup>

A distinct feature of both SNSs and ICCAs is that people attach to them unique value and significance, usually closely related to their cultures and views of the world. A feature of SNSs that sets them apart from ICCAs, however, is mass pilgrimages, which can be severely damaging. Places like Otgontenger Mountain, in **Mongolia** or, more dramatically, Adam's Peak in **Sri Lanka's** Peak Wilderness Protected Area (visited by an estimated two million pilgrims annually and among the most trampled environments on Earth) are cases in point. In the process, the SNSs will retain and even enhance their spiritual value, but lose much of their natural and conservation value. Moreover, unlike ICCAs, SNSs need not be collectively governed and managed by an indigenous people or local community. Indeed many SNSs are controlled by a private interest, an organised religion, a government agency, or are under shared governance.

The spiritual, cultural and natural heritage of Mt. Athos, in **Greece**, reflects nearly ten centuries of uninterrupted monastic life set in a unique environment— a rapid gradient of ecosystems and climatic conditions from coastal Mediterranean to alpine conditions at the top of the 2000 m high mountain. Spiritual tradition forbids women and children to enter Mt. Athos, a prohibition that extends to female animals. The absence of grazing means that the forests in the Athonite Peninsula are particularly dense, while the variety of climate types provides habitat for numerous plant and animal species. Mt Athos was recognised by UNESCO as a Mixed World Heritage site in 1988 for both its natural and cultural values. This designation was proposed by Greece and approved without the participation and agreement of the monastic communities that own the land. The Holy Community of Mt Athos, comprising representatives of the 20 monasteries in the area, were eventually reconciled to the designation but

stressed that it was the sole legitimate entity in charge of Mt Athos. Each monastery has jurisdiction for the management of its own property and only general matters, such as the opening of roads, are decided at the level of the Holy Community.<sup>218</sup> The Athonite Peninsula is clearly a sacred natural site. It could also be considered a combination of privately conserved areas, as the land is owned by the monasteries. And it could be considered a community conserved area, as communal governance is linked to the spiritual tradition that bonds the monasteries together and determines most of the management decisions.

The small but biologically outstanding patches of remaining coastal forests in **Kenya**, called Kayas, are another example of SNSs. Traditionally, the Kayas were protected by their custodians, the Mijikenda, who for centuries managed them and enforced traditional regulations. Towards the end of the twentieth century, however, some of the elders could no longer withstand the pressure for development: many Kaya forests lost their sacred character and conservation value. The ones that remained more or less unscathed are now protected as “national monuments”.<sup>219</sup> So while the Kayas were once excellent examples of ICCAs, today it is probably more accurate to characterise them as being under shared governance by the Mijikenda and the National Museums of Kenya, although many are still considered by the concerned communities as their own sacred natural sites.<sup>220</sup>

In the **Philippines**, a 2012 national Conference on ICCAs revealed that most Key Biodiversity Areas in the country coincide with the Ancestral Domains of indigenous peoples.<sup>221</sup> At the core of most such domains there are areas which are of profound spiritual significance to their caretaker peoples. There are thus hundreds of SNSs embedded within ICCAs. Some are recognised as protected areas by the State government: others are not, but can be considered to be “other effective area-based conservation measures”.

As with the Philippines, there are thousands of sites of peculiar significance to indigenous peoples throughout Latin America, often at the heart of ICCAs. For example, in **Guatemala** there are a number of ancient but still widely used ceremonial sites within the impressive natural forest conserved by the Maya-K'ichés of the 48 Cantons de Totonicapán. This forest is possibly the best conserved in the country and an essential component of the watershed of Lake Atitlan. Though managed for centuries by a highly-respected customary institution through sustainable use and regeneration practices, it is now under attack from a variety of development projects and initiatives. Fortunately, both the spiritual value of the ceremonial sites and a profound respect for a forest that is essential to their livelihoods are ingrained in the identity of the local indigenous people, empowering them to resist the forces of destructive change.

215 Wild and McLeod, 2008.

216 Verschuuren, 2010

217 See the case of Mount Athos, described just below.

218 Papayannis, 2012.

219 They are also recognised by UNESCO under the name Sacred Mijikenda Kaya Forests as “World Heritage associative cultural landscapes”

220 Wild, 2008

221 See note 27.

Table 7. Recognition for voluntary and ancillary conservation

Areas conserved <i>de facto</i> in a voluntary or ancillary way	Conservation of nature is a primary management objective	Conservation of nature is not a primary management objective
The State government recognises it as part of its system of protected areas	The area is a protected area according to the IUCN (and recognised nationally)	The area is an “effective area-based conservation measure” (and recognised as such nationally) <sup>222</sup>
The State government does not recognise it as part of its system of protected areas	The area is a protected area according to the IUCN (but not recognised as such nationally)	The area is an “effective area-based conservation measure” (but not recognised as such nationally)

## 5.1 Voluntary and ancillary conservation in protected area systems

Both voluntary and ancillary conservation initiatives face greater threats than formal protected areas as, usually, they do not enjoy the same level of legal protection or support from governmental programmes. As biodiversity becomes scarcer and more precious, conservationists encourage countries to give more support to such conservation efforts, especially through the recognition of voluntary and ancillary conserved areas as protected areas.<sup>223</sup>

The IUCN definition of protected area allows for up to 25% of the area to be managed in ways that are not primarily for nature conservation (e.g., a village or tourist camp); however the management of this should not interfere with the conservation aims for the protected area as a whole.<sup>224</sup> Moreover, the IUCN definition specifies that, to qualify as a protected area, it must be managed for a conservation purpose.<sup>225</sup> Because of these requirements, only some the territories and areas that are today voluntarily conserved qualify as protected areas under the IUCN definition. In many other places, the landowners and rightsholders do not pursue conservation in most of their land or as their primary aim of management,<sup>226</sup> although management may well have welcome conservation outcomes. Where this is the case, such areas may be considered as “other effective area-based conservation measures”.

222 This rather extreme case could exist, for instance, if the actors deciding the voluntary conservation practices would be only and solely interested in the monetary value of the natural resources. Let us say that the owners of a forest wait for the timber to mature to have the forest clear felled. The government could propose to keep their forest standing as a protected area and, for that, offer to the owner a financial compensation.

223 Phillips, 2003; Figgis, 2004.

224 Dudley, 2008.

225 The IUCN definition stresses that “only those areas where the main objective is conserving nature can be considered protected areas” (Dudley, 2008). Areas under voluntary conservation may have such objectives expressed in an explicit way. But “conservation of nature” may also be an implicit objective, e.g. when decision-makers manage an area “to conserve medicinal plants” or “to conserve spiritual and cultural values” and the defence of such values in the face of competing uses and threats necessarily involves the conservation of nature. IUCN is considering new guidance regarding such implicit conservation aims.

226 As local rightsholders and stakeholders become better aware of the implications of explicit conservation objectives for protected area governance and governance of natural resources in general, there may be shifts in their stated intentions, aims and practices.

Table 7 summarises the situation. Some privately conserved areas and ICCAs meet the IUCN definition of a protected area; others do not. Some are recognised by their governments as part of the national protected areas system; others are not. The position is made more complicated where the government does not adopt the IUCN definition and uses its own measure of what a protected area is. IUCN is working to encourage all governments to adopt its own definition based on decisions taken by the World Conservation Congress.<sup>227</sup> In any case, conserved territories and marine areas that IUCN would not be able to recognise as protected areas can still make an invaluable contribution to conservation.

Formal recognition by a State government of an area that is conserved in a voluntary or ancillary way may not always be welcomed by its managers and rightsholders. They may fear a loss of commercial value if the land is designated as “protected”, or they may be afraid of being disturbed, e.g., in a sacred site that should be kept private. They may also be



A sacred natural site at the top of the ancient forest of the 48 Cantons of Totonicapán, Guatemala. © Bas Verschuuren, 2013.

227 See for example IUCN Resolution on ‘Endorsement and uniform application of protected area management guidelines’, approved at the Vth World Conservation Congress in Jeju (Korea) in 2012, which “URGES governments to adopt and apply the 2008 Guidelines for Applying Protected Area Management Categories”.

concerned that constraints will be placed on their resource management rights and practices, including a loss of access rights, intrusion and unwanted publicity in connection with tourism, and other kinds of interferences. Sometimes formal processes of recognition do not respect the governance of the private landowners or the caretaker communities and end up establishing a shared governance regime in which they would hold substantially less decision making power than they are used to have. In extreme cases, formal recognition could even involve the outright acquisition of land and resources through purchase,<sup>228</sup> long term leasing<sup>229</sup> or even expropriation.

Much progress has been made in recent years in giving recognition and support to voluntary conservation, in particular for privately conserved areas and ICCAs. To meet the IUCN requirement for protected areas, private lands must be “dedicated”, by legal or other effective means, for long-term conservation. That usually means that voluntary conservation must be both binding and capable of standing up to legal challenges by opponents (e.g., from other private sector or community interests, relatives and descendants, future land or rights holders, or even the general public). A tool for that is the legally binding contract or agreement (sometimes called a **voluntary conservation agreement**) which is registered with the land and runs with it. It may be called a ‘covenant’ or ‘easement’, but in essence it is a legal contract, permanently binding on the government and other parties.

Another way to give legal recognition to voluntary conservation is for the area to be specifically identified, with geographic coordinates, in legislation. Such legislation may be site specific or generic, with a list of areas with different levels of protection. Legislation need not be part of the formal protected area law, but may be enacted specifically to recognise other conservation functions, such as enhancing connectivity or helping to protect small habitats, which complement the protected area system but are not a part of it.<sup>230</sup> Land use planning legislation can also be used to recognise such areas, either by referring to and reinforcing the respect of areas listed in other legislation, or by requiring that such lists be prepared in the land use planning process.<sup>231</sup>

Several networks of private landowners in Latin America have recently taken action to conserve nature on their land, establishing private reserves for a term of years or in perpetuity.<sup>232</sup> They have sought some form of government recognition of their efforts, such as exemption from property taxes, payments for environmental services, or establishment of ecotourism concessions. Brazil, for instance, gives private protected area the same legal standing as a government-established protected area, but only if the site is permanently protected and can no longer be sold or converted to other uses.<sup>233</sup>

228 This is still favoured in Scandinavian countries.

229 This used to be very common in Australia, before the emergence of the Indigenous Protected Areas model.

230 This may be because of the wishes of the owners, or because listing as a formal protected area would be too confining for the special case, such as where climate change is expected to require very flexible adaptive management. This promising emerging idea is explored in Lausche *et al.* (2013). (Barbara Lausche, personal communication, 2012.)

231 Barbara Lausche, personal communication, 2012.

232 Swift *et al.*, 2004.

233 Swift *et al.*, 2004. See also more of this in Box 11.

## 5.2 Free, Prior and Informed Consent

As a basic rule, voluntarily conserved territories and areas should not be incorporated into a formal protected area system unless there is clear agreement from the rightsholders that this is desired.<sup>234</sup> In the case of traditional owners and the governing institutions of indigenous peoples, a formal process of Free, Prior and Informed Consent is the only appropriate way to proceed and is now enshrined in international conservation policy.<sup>235</sup> Consent and agreement should not be “assumed”, and, indeed, it may not be forthcoming. On the other hand, the rightsholders may themselves actively seek recognition for their land, water and natural resources as protected areas under governance Types C and D in order to help improve their protection.<sup>236</sup> This is especially so when incorporation into the official protected area system offers the only available legal protection against extractive industries or other forms of unsustainable use of natural resources.<sup>237</sup>

In the past, and sadly even today, voluntary conserved areas have been occupied, leased or otherwise incorporated into government-governed protected areas<sup>238</sup> without the free, prior and informed consent of their rightsholders, indigenous peoples and local communities. This is of special concern in the case of indigenous peoples and traditional communities, as they often embed a wealth of institutions and cultural values that have been effective in maintaining ICCAs over time. This is a large scale, but poorly understood problem that deserves serious investigation.<sup>239</sup>

There are however positive signs. Most countries with important forest biodiversity now recognise one or more forms of indigenous peoples’ and community tenure rights in their national laws, and 86 percent of legislation recognising such rights was approved between 1992 and 2012.<sup>240</sup> Various forms of settlements<sup>241</sup> and dialogue between government authorities and representatives of indigenous peoples are also underway.<sup>242</sup> And, as part of the governance assessment and evaluation for their system of protected areas, some governments are considering various forms of governance devolution, including recognising ICCAs within protected areas.<sup>243</sup>

234 It would also be important that they meet the IUCN definition of protected area.

235 CBD Decision XII.28, para 2.2.5, Kuala Lumpur, 2004.

236 Other examples in Borrini-Feyerabend *et al.*, 2010.

237 This is the case, for instance, in the Philippines.

238 Stevens, 1997; Chatty and Colchester, 2002; Colchester, 2003.

239 See for instance Diegues, 1998; Colchester, 2003; Cernea, 2006.

240 RRI, 2012.

241 In New Zealand, cultural redress for treaty settlements seeks to enable *iwi* (Maori social unit) to engage meaningfully with their traditional landscapes. These decisions have nudged the Crown and Maori people into new relationships and obligations. For instance, some *iwi* are enabled to take plant material for *rongoa* (medicinal use) and co-author the section of the management plan that relates to an area where they have exclusive *iwi* interest; some management committees are created that include both *iwi* and Crown representatives and take decisions by consensus. (Wendy Jackson, personal communication, 2012).

242 Stevens, 2008; Hoole and Berkes, 2009. The case of the Ogiek people and Mt. Elgon National Park (Kenya) and the the case of the Karen people and Ob-Luang National Park (Thailand) are examined as part of the IUCN Whakatane Mechanism with the collaboration of the Forests Peoples Programme (see also the information available on line).

243 IUCN Resolution 5.094 actually calls for that.



A mangrove nursery in Fiji. In many LMMAs, mangroves are preserved and restored. © gbf, 2011.

## 5.3 Appropriate recognition and support

Conservationists should be concerned about the fate of effective conservation outside formal systems of protected areas. If these efforts go unrecognised and unsupported, then not only will there be social problems and resentment, but also great loss of biodiversity.<sup>244</sup> Voluntary conservation that has no legal recognition is vulnerable when land and water are appropriated for alternative uses. Land and resources under voluntary forms of conservation may appear to some people as unmanaged and underexploited ecosystems— ideal situations for development by extractive industries, large-scale agriculture and agrofuel companies or major infrastructure.<sup>245</sup> Voluntary conservation is also under threat from rural depopulation and acculturation (e.g., through education and training programmes that are disrespectful of local cultures), and by more extreme natural events and catastrophes exacerbated by human transformation of the landscape, waterways and climate.

Fortunately, countervailing initiatives also exist. Many work today to obtain appropriate support for privately conserved areas,<sup>246</sup> while the ICCA movement<sup>247</sup> was born to inform

244 Sibaud, 2012.

245 Alden Wily, 2011.

246 Swift et al, 2004.

247 The ICCA Consortium was established in 2008 at the World Conservation Congress in Barcelona and incorporated in 2010 as a Swiss-based legal association. The Members of the Consortium are organisations representing indigenous peoples and local communities and NGOs working closely with them on ICCA issues. In each world region, members of the Consortium work to identify and tackle the specific obstacles that oppose ICCA recognition. As an example, in the Cono Sur (Southern Cone) of South America, the movement focuses on the recognition of the collective land rights of indigenous peoples (Confederación Mapuche de Neuquén, 2009; Aylwin and Quadra, 2011).

### Box 11

#### Voluntary conservation that fits, or does not fit, the IUCN definition of “protected area”

**Community forests in Europe.** In many European countries, community forests which are owned or managed by representatives of local communities (i.e., traditional institutions – not to be confused with local municipalities) perform a mix of critical functions. In Italy, the ancient institution of the Regole d’Ampezzo has a recorded history of governing land and natural resources for more than eight hundred years (and a much longer oral history). As part of their territory, and as recognition of their outstanding capacity to conserve biodiversity through active management and sustainable use, today they govern the officially designated Parco Naturale delle Dolomiti d’Ampezzo, a World Heritage Site.<sup>248</sup> While in the past communities conserved forests and pastures for their livelihoods and as a buffer to protect them from natural disasters, today these places can easily conform to the IUCN definition of protected area, since the protection of nature has also become important to the communities concerned.

**Locally managed marine areas (LMMAs).** Community managed marine areas are being ‘discovered’, or created anew, in many regions of the world. Navakavu in Fiji, Safata in Samoa, Aroko-Muri Ra’ui in Rarotonga (Cook Islands), Momea Tapu in Tuvalu and Marapa-Niu (a lagoonal system in the Solomon Island), are all excellent examples of marine areas effectively managed (governed) by local communities. While generating substantial economic livelihoods and benefits for local residents, these areas also maintain important biodiversity. A review of ICCAs in the Pacific has revealed hundreds of such sites.<sup>249</sup>

As noted in Section 3.4, ICCAs are characterised by communities that possess a close and profound relation with the site; such communities should be major players in decision-making; and their efforts should lead to conservation outcomes. The first two requirements are met in many LMMAs where customary tenure fosters stewardship of natural resources; it can also be argued that customary stewardship results in “more conservation of nature” than the alternatives. This is because poachers are expelled, squatters are deterred and access to natural areas is controlled. Despite this, however, some LMMAs are being exploited unsustainably by their own stewards. The causes are many: loss of traditional knowledge, access to more efficient and speedy methods of resource exploitation, new interpretations by traditional decision-makers of their rights and obligations in a modern cash-driven society, changing governance roles and the presence of “absentee landlords”. Thus, while customary tenure is still vital for sustainable resource →

248 Lorenzi and Borrini-Feyerabend, 2011; Merlo *et al.*, 1989.

249 Govan *et al.*, 2009.

→ management, it needs support in national policy to enable it to withstand modern pressures. And since conservation outcomes do not always occur, it is not possible to say that LMMAs are invariably ICCAs.<sup>250</sup>

Can LMMAs be “protected areas” according to the IUCN definition? Some are clearly not since, in the minds of their governing communities, the primary objective of customary management remains livelihoods and income, rather than conservation of nature. But where sustaining livelihoods and income means adopting explicit sustainable use practices towards the management of biodiversity, this would seem to fit well with the definition of conservation used in the World Conservation Strategy of 1980.<sup>251</sup> In this sense, LMMAs that meet the three conditions of ICCAs (see Section 3.4), can also be considered to be protected areas. (Incidentally, many government-established marine protected areas in Pacific Islands, despite their explicit conservation objectives, have been less effective than LMMAs in conserving biodiversity).<sup>252</sup>

#### **Community-protected breeding and nesting sites.**

In a number of cultures, the breeding and nesting sites of certain species receive community protection. The Comarca Ngöbe – Buglé indigenous territory in Panama contains one of the world’s most important nesting sites for threatened Hawksbill and Leatherback sea turtles. Tourist companies advertise it as a “protected area that operates according to its own political system”. Civil society groups have urged that this be recognised as part of the country’s protected area network and offered special protection against external threats.<sup>253</sup> But the national government and the Ngöbe – Buglé have not yet agreed about a protected area designation.

**Privately conserved areas in Latin America.** Private conservation is expanding in Latin America, and a number of countries have developed specific legislation and rules to provide some national framework and incentives. Permanency is a necessary requirement to meet the IUCN definition of protected area, but this varies widely in the region. Bolivia’s law states that a private forestry reserve must last for at least ten years. Costa Rica requires that the private reserve status lasts a specific number of years, usually five to ten, but the designation is extinguished when the property leaves the ownership of the party that established the reserve. So some conservationists believe that certified private reserves in Bolivia or Costa Rica do not offer the necessary guarantees of permanence to be considered protected areas.

**Indigenous peoples’ territories conserved under agreements with national governments.** Australia has a network of Indigenous Protected Areas (IPAs),

integrated into the national protected area system. The first was formally proclaimed in August 1998, over an Aboriginal-owned property called Nantawarrina, in the northern Flinders Ranges of South Australia. By July 2012, IPAs accounted for nearly 30 per cent of Australia’s National Reserve System, with more than 50 IPAs and over 40 consultation projects. The Australian government plans to increase IPAs by at least 40 per cent before 2020, incorporating additional land covering about eight million hectares.<sup>254</sup> Indigenous people use a variety of legal mechanisms to control activities, including local government by-laws, privacy laws and traditional aboriginal laws. IPAs are attractive to Aboriginal peoples because they bring management resources without a loss of autonomy and respond to their deeply held beliefs about “stewardship of country”. They also provide public recognition of the natural and cultural values of their territories, and of their capacity to protect and nurture them.<sup>255</sup> For the Australian government, IPAs are attractive because they effectively add to the nation’s conservation estate without the costs of acquiring or leasing land,<sup>256</sup> and they provide social benefits to the Aboriginal peoples.

#### **Indigenous peoples owned and declared protected areas fully recognised by the State.**

The WaiWai are an indigenous people inhabiting a remote area of Guyana. They received collective title over their ancestral territory in 2004, but this did not allow them to make and enforce rules on their land, such as a banning mining by foreigners. For a number of years, they kept up a discussion about whether their land should be recognised as a protected area, a process dominated by NGOs that favoured or opposed such recognition, the latter stressing that a protected area declaration was still unable to provide the WaiWai with control over mineral resources. Fortunately, in 2006, the Amerindian Act granted sweeping powers to the Amerindian communities of Guyana, including powers to make and enforce conservation rules to restrict hunting, fishing, trapping, poisoning waters, setting fires, etc. With this, the customary conserved territory of the WaiWai could be formalised as a protected area entirely because of their will and under their regulations. The people sought independent legal advice to do this and compiled a management plan including zoning for strict nature reserves and wilderness areas. The traditional authority of the WaiWai brought the map of the territory and their agreed rules to the attention of national authorities in 2007, which were promptly endorsed and published in the national Gazette. This is considered to be the first Amerindian owned and declared protected area in South America. The WaiWai still do not own the mineral resources under their land but, because of the Amerindian Act, they are now able to carry out traditional mining themselves, while enforcing a mining ban on others.<sup>257</sup>

250 Hugh Govan, personal communication, 2012.

251 The governments-endorsed Action Strategy for Nature Conservation in the Pacific Islands Region (2008 – 2012) agrees on a “Pacific approach” to conservation based on sustainable resource use.

252 Govan, 2009.

253 Solis, 2006.

254 Australian Government, 2012.

255 Smyth and Grant, 2012.

256 Smyth, 2006.

257 Janki and Sose, 2008.



the modern conservation community of the value of ICCAs and of the need to give them appropriate recognition and protection. This world-wide trend towards greater recognition of voluntary conservation—regardless of fitting the conditions of a protected area according to the IUCN and/or the state governments concerned—is a very positive development. Further examples are given in Box 11.

Target 11 of the CBD Strategic Plan for Biodiversity clearly spells out the value of protected areas but also of “other effective area-based conservation measures”, both of which should expand to cover a larger percentage of terrestrial and inland water, and coastal and marine areas of particular importance for biodiversity and ecosystem services. Countries that are Parties to the CBD are thus invited to consider whether it is more appropriate for them to incorporate existing voluntary conservation into their protected area system, to recognise it outside the system, or to offer no legal recognition at all.

In the future we may see both government-recognised protected areas and “other effective area-based conservation measures” being extended to help meet the CBD Aichi Target 11. Furthermore, some territories and marine areas that are currently considered as “other effective area-based conservation measures” may become recognised as “protected areas”. But, whatever the labels and quantitative targets, **long-term security and dependable support** should be offered to all forms of effective conservation.<sup>258</sup>

Many analyses of legal and non-legal forms of recognition and support have been carried out in recent years, producing sets of “lessons learned” and conclusions for ICCAs. Annex 1 reproduces a list of “dos and don’ts” delivered as advice to the CBD Parties at their COP 10 in Nagoya in 2010.<sup>259</sup> Advice on effective recognition and support is drawn together in Checklist 1.

The formal recognition of ICCAs is helped by the establishment of national ICCA Registries<sup>260</sup> and the international ICCA Registry at UNEP-WCMC.<sup>261</sup> The latter, developed in the same structure as the World Database on Protected Areas,<sup>262</sup> stores descriptive as well as spatial information, with entries that are entirely voluntary.<sup>263</sup> The indigenous peoples and local communities concerned should go through a ‘Free, Prior and Informed Consent’ process before providing information on their ICCAs. The data can be stored and made freely available; or it can remain private, according to their wish. The Registry documents ICCAs in ways that may be more appropriate than their inclusion in the World Database on Protected Areas, for reasons of confidentiality or because the ICCAs do not meet the relevant government’s or IUCN requirements for protected areas.

258 Woodley *et al.*, 2012.

259 Available at [www.iucn.org/pa\\_governance](http://www.iucn.org/pa_governance)

260 There are informal lists in a number of countries and the Philippines is planning to set up in 2013 a National ICCA Registry (Mundita Lim, communication at CBD COP 11, 2012).

261 The United Nations Environment Programme’s World Conservation Monitoring Centre (UNEP-WCMC) has been working closely with UNDP GEF Small Grants Programme and the ICCA Consortium to build awareness and recognition of ICCAs through the development of a dedicated ICCA Registry.

262 See the WDPA web site.

263 Corrigan and Granziera, 2010. For more details see the site of the ICCA Registry.

### Checklist 1. Distilled advice for effective recognition and support of ICCAs<sup>264</sup>

Countries that would like to advance towards the CBD Aichi Targets<sup>265</sup> by recognising and supporting conservation of nature under the collective governance of indigenous peoples and local communities (ICCAs) are recommended to:

- Secure the rights of indigenous peoples and local communities both as **legal subjects** and for their **collective governance** of territories and natural resources that comprise ICCAs (both those within and outside official protected areas).<sup>266</sup>
- Recognise ICCAs as coherent land, water and natural resource units governed by self-identified communities under collective legal rights (property or use) that are **inalienable, indivisible, and established in perpetuity**.
- **Never impose on ICCAs generic governing structures, rules, and processes**, but allow customary institutions to continue and evolve, as needed, at their own pace.
- Engage indigenous peoples and local communities in processes of **Free, Prior and Informed Consent** for all initiatives that affect their ICCAs and, more broadly, in **developing the policies** that concern them.
- Provide **technical and material support** to ICCAs upon request (in particular to map, document and demarcate ICCAs; to help communities to enforce their rules and ensure fair and coherent judgement and sanctions for violators; to develop local capacities to respond to threats and manage conflicts; and to strengthen the quality of governance and management of ICCAs at all levels).
- Provide **social recognition** for ICCAs (e.g., through praise, awards, media coverage, upholding of traditional knowledge and cultural heritage) but use caution with financial incentives, making sure that those maintain and strengthen community independence and integrity.
- Support indigenous peoples and local communities to carry out **joint learning and advocacy via networking and federations**.

The emergence of many private conservation initiatives reflects a growing trend towards the conscious management of privately-owned lands and waters for conservation purposes.<sup>267</sup> Some, but not all these areas fulfil the definition of a protected area, and may be described as private protected areas. A broader term, privately *conserved* areas, can be used to encompass private lands with conservation value.

There are differing opinions regarding the desirability of, and the process and means for, recognising privately conserved areas. Many privately conserved areas include those that are established within a strongly held social and

264 Borrini-Feyerabend *et al.*, 2010; Kothari *et al.*, 2012; Jonas *et al.*, 2012; Alden Wily, 2012.

265 All CBD Aichi Targets will benefit from appropriate ICCA recognition and support, but in particular Targets 1, 5, 7, 11, 13, 14 and 18.

266 This can be done through a variety of legal and policy instruments (e.g., decentralisation law, protected area law, respect of the rights of indigenous peoples) but also on the basis of respecting CBD international obligations. Regarding the latter, international organizations, instruments, and projects exist that can help countries fulfil such obligations.

267 For example, see Goodman *et al.*, 2002.

conservation ethic, and where the landowners regard it as their responsibility to contribute to the wider public good. Yet, privately conserved areas remain private property, are subject to the changing fortunes of the economy or owners' financial circumstances, and can also be exclusionary in practice. In some instances, privately conserved areas may even have caused the displacement or exclusion of traditional and customary uses, particularly in areas where formal land ownership overlaps and conflicts with customary tenure rights. A part of the process of recognition must be an understanding of the manner in which the area became a private conserved area, and how permanent and enduring that would be.

A basic condition for the formal recognition of privately conserved areas as private protected areas is to test them against the IUCN definition of a protected area, and also the increasingly accepted general governance principles outlined in Section 6. For IUCN, a long term commitment is mandatory, as is the commitment to exclude activities that would degrade the conservation status of the area. To achieve this, and for the area to be recognised within a national system of protected areas, the owners should be expected to enter into some form of agreement, contract or covenant that sets out their obligations in terms of prevailing legislation.<sup>268</sup> Some protected area legislation makes provision for the voluntary incorporation of private conservation areas into the national system of protected areas, along with advice and even fiscal incentives for the landowners concerned. Other mechanisms

to encourage private conservation efforts include land-use zoning, and covenants, and easements or conditions which are attached to the land title and bind future land-owners.

While legal recognition is not a mandatory requirement in the IUCN definition, in its absence there must be "other effective means" in place that will ensure long-term protection. There is still some debate about how to interpret this in practice. Some private conservation areas may fit better under the more general umbrella of voluntary or ancillary forms of conservation, where the conservation outcomes are an "unintended, though welcome, consequence of management for other purposes". In other words, all scenarios suggested in Table 7 are possible in the case of privately conserved areas.

Privately conserved areas are expected to grow in numbers and importance. While accurate data are lacking, it is now widely understood that, if certain conditions are met, they can be a legitimate and effective governance type. They also have the potential to contribute to and increase the representativeness, connectivity and hence the resilience of protected areas systems, while fostering society's participation in conservation and awareness of its values. More needs to be known, however, about the conditions under which privately conserved areas should be part of national protected areas systems. Such conditions may vary from country to country, but they ought to include the application of principles of good governance throughout their establishment and management.



In Spain, many landowners make a valuable contribution to conserving the landscape, including through the maintenance of local breeds such as these cows, uniquely adapted to the conditions of the Minorca biosphere reserve. © gbf, 2004.

<sup>268</sup> For example, see Sandwith *et al.*, 2009.

## 6. Governance quality ("good governance")



As here in Iran, in many indigenous communities the elders take upon themselves various kinds of authority and responsibilities, including for decisions concerning natural resources. © CENESTA, 2009.

Achieving good governance is critical to the success in all four main governance types. Good governance is a measure of how far certain principles and values are adhered to. These may be derived at the national level, for example as enshrined in constitutions, legislation, policies, cultural practices and customary laws;<sup>269</sup> or they may come from internationally agreed principles for good governance, developed by international organisations and conventions.<sup>270</sup> Although governance values are influenced by the cultural context, we assume that some norms can be taken into account across all cultures.<sup>271</sup>

In recent years, more attention has been focused on principles of good governance for protected areas, both in international conventions, seminars and meetings, and on the ground.<sup>272</sup> Table 8, which is drawn from these discussions and field experience, sets out IUCN's broad **principles for**

**good governance** (elsewhere described as **equitable management**,<sup>273</sup> or **equitable governance**) of protected areas. These principles should be viewed as a benchmark and applied flexibly according to context,<sup>274</sup> although some relate to human rights for which international standards are progressively codified. Annexes 2 and 3 to this document<sup>275</sup> propose some tools and indicators that can be used to assess how far such principles are respected in governing protected areas and protected area systems.

There is still a long way to go in putting the IUCN principles into practice.<sup>276</sup> However, as envisaged by PoWPA, opening up a debate on such principles gives governments the opportunity to engage rightsholders and stakeholders in discussions that should lead to fairer ways of sharing the costs and benefits of protected areas.<sup>277</sup> It may also

269 SCBD, 2004.

270 UNDP, 1999; UNDP, 2002; United Nations, 2006.

271 UNDP, 1997.

272 Beltran, 2000; Institute on Governance, 2002; Graham *et al.*, 2003; Abrams *et al.*, 2003; IUCN, 2003b; Jaireth and Smith, 2003; SCBD, 2004; Borini-Feyerabend *et al.*, 2004a; Borini-Feyerabend *et al.*, 2006; Dudley, 2008; Eagles, 2009; Lockwood, 2010; Moore *et al.*, 2011; Paterson, 2011; Lausche, 2011.

273 As in CBD Aichi Target 11.

274 The analysis of the reference principles and values for a given country and peoples may be an important exercise per se, as demonstrated recently in Canada (Paul Eagles, personal communication, 2012).

275 Available at [www.iucn.org/pa\\_governance](http://www.iucn.org/pa_governance)

276 IUCN, 2004.

277 CBD Decision VII.28, Kuala Lumpur, 2004.



In Taiwan (Province of China), indigenous peoples still take advantage of any possible occasion to visit their ancestral territories, from where they were relocated about one hundred years ago. © gbf, 2013.



In Fiji, locally-managed marine areas (LMMAs) are governed by customary systems with inherent flexibility, well suited to adaptation in the face of changing social, environmental and legislative conditions (Govan *et al.*, 2009). © gbf, 2011.

encourage greater respect for all types of rights, while all groups involved<sup>278</sup> may benefit from reflecting on the quality of their own internal governance,<sup>279</sup> and their accountability to the broader society. This is true for large NGOs and government agencies that might not be used to transparency and formal mechanism for accountability in decision-making, but also for local customary institutions with a history of discrimination on the basis of gender, caste or ethnicity.

The IUCN principles of good governance should also help to foster a rights-based approach to the conservation of nature in general.<sup>280</sup> For example, the principles should: help to safeguard public rights when the State offers economic incentives to investors, including landowners who set up private protected areas; encourage public bodies to be open about policies and expenditures affecting nature conservation; and persuade agencies to be transparent about the monitoring of their own performance.<sup>281</sup>

Finally, by seeking good governance in conservation, the prospects for nature will improve. As is clear from recent research, adhering to the IUCN good governance principles will help achieve more effective management of protected areas.<sup>282</sup> In other words, good governance is good for people *and* for conservation.

278 CBD Decision VII.28, Kuala Lumpur, 2004.

279 Kothari, 2006.

280 IUCN, 2008a.

281 Lausche, 2011.

282 Leverington *et al.*, 2010; Persha *et al.*, 2011.

Table 8. IUCN principles of good governance for protected areas<sup>283</sup>

Principles	Considerations related to the principles
Legitimacy and voice	<ul style="list-style-type: none"> <li>Establishing and maintaining governance institutions that enjoy broad <b>acceptance and appreciation in society</b></li> <li>Ensuring that all rightsholders and stakeholders concerned receive appropriate and sufficient <b>information</b>, can be <b>represented</b> and can <b>have a say</b> in advising and/or making decisions</li> <li>Fostering the <b>active engagement</b> of social actors in support of protected areas, upholding <b>diversity</b> and <b>gender-equity</b></li> <li>Extending <b>special support</b> to vulnerable groups, such as indigenous peoples, women and youth, and <b>preventing discrimination</b> on the basis of ethnicity, gender, social class, financial assets, etc.</li> <li>Maintaining an active <b>dialogue</b> and <b>seeking consensus</b> on solutions that meet, at least in part, the concerns and interest of everyone</li> <li>Promoting <b>mutual respect</b> among all rightsholders and stakeholders</li> <li>Honouring <b>agreed rules</b>, which are respected because they are "owned" by the people and are not only because of fear of repression and punishment</li> <li>As much as possible attributing management authority and responsibility to the capable institutions closest to natural resources (<b>subsidiarity</b>)</li> </ul>
Direction	<ul style="list-style-type: none"> <li>Developing and following an <b>inspiring and consistent strategic vision</b> (broad, long-term perspective) for the protected areas and their conservation objectives, grounded on agreed <b>values</b> and an appreciation of the ecological, historical, social and cultural <b>complexities</b> unique to each context</li> <li>Ensuring that governance and management practice for protected areas are <b>consistent</b> with the agreed values</li> <li>Ensuring that governance and management practice for protected areas are <b>compatible</b> and <b>well-coordinated</b> with the plans and policies of other levels and sectors in the broader landscape/seascape and <b>respectful of national and international obligations</b> (including CBD PoWPA)</li> <li>Providing clear <b>policy directions</b> for the main issues of concern for the protected area and, in particular, for contentious issues (e.g., conservation priorities, relationships with commercial interests and extractive industries) and ensuring that those are consistent with both budgetary allocations and management practice</li> <li>Evaluating and guiding progress on the basis of regular monitoring results and a conscious <b>adaptive management</b> approach</li> <li>Favouring the emergence of <b>champions</b>, generating new ideas and carefully allowing/promoting the testing of <b>innovations</b>, including governance and management innovations for protected areas</li> </ul>
Performance	<ul style="list-style-type: none"> <li>Achieving conservation and other objectives as planned and monitored, including through on-going evaluation of <b>management effectiveness</b></li> <li>Promoting a <b>learning culture</b> for protected area policy and governance practice on the basis of mechanisms, tools and partnership that promote on-going collaborative learning and cross-fertilization of experience</li> <li>Engaging in <b>advocacy and outreach</b> for the benefit of protected areas</li> <li>Being <b>responsive</b> to the needs of rightsholders and stakeholders, including by providing timely and effective response to inquiries and reasonable demands for changes in governance and management practice</li> <li>Ensuring that protected areas staff, and rightsholders and stakeholders, as appropriate, have the <b>capacities</b> necessary to assume their management roles and responsibilities and that those capacities are <b>used effectively</b></li> <li>Making an efficient use of financial resources and promoting <b>financial sustainability</b></li> <li>Promoting social <b>sustainability</b> and <b>resilience</b>, i.e., the ability to manage risks, overcome the inevitable crises and emerge strengthened from the experience</li> </ul>
Accountability	<ul style="list-style-type: none"> <li>Upholding the <b>integrity</b> and <b>commitment</b> of all in charge of specific responsibilities for the protected areas</li> <li>Ensuring <b>transparency</b>, with rightsholders and stakeholders having timely access to information about: what is at stake in decision-making; which processes and institutions can exert influence; who is responsible for what; and how these people can be made accountable</li> <li>Ensuring a clear and appropriate sharing of <b>roles for the protected areas</b>, as well as lines of <b>responsibility</b> and <b>reporting/answerability</b></li> <li>Ensuring that the <b>financial and human resources</b> allocated to manage the protected areas are properly targeted according to stated objectives and plans</li> <li>Evaluating the <b>performance</b> of the protected area, of its decision makers and of its staff, and linking quality of results with concrete and <b>appropriate rewards and sanctions</b></li> <li>Establishing <b>communication avenues</b> (e.g., web sites) where protected area performance records and reports are accessible</li> <li>Encourage performance <b>feed-back</b> from civil society groups and the media</li> <li>Ensure that one or more independent public institution (e.g., ombudsperson, human rights commission, auditing agency) has the authority and <b>capacity to oversee and question</b> the action of the protected areas governing bodies and staff</li> </ul>

283 This compact description of the principles follows Institute on Governance, 2002; Graham *et al.*, 2003; Abrams *et al.*, 2003; Borri-Feyerabend *et al.*, 2006; and Eagles, 2009. It is also fully consistent with Dudley (2008).

Principles	Considerations related to the principles
<b>Fairness and rights</b>	<ul style="list-style-type: none"> <li>• Striving towards an <b>equitable sharing of the costs and benefits</b> of establishing and managing protected areas and <b>fairness</b> in taking all relevant decisions</li> <li>• Making sure that the <b>livelihoods</b> of vulnerable people are <b>not adversely affected</b> by the protected areas; that protected areas do not create or aggravate poverty and socially-disruptive migratory patterns; and that the costs of protected areas—especially when born by vulnerable people—do not go without appropriate <b>compensation</b></li> <li>• Making sure that conservation is undertaken with <b>decency</b> and <b>dignity</b>, without humiliating or harming people</li> <li>• Dealing fairly with protected area staff and temporary employees</li> <li>• Enforcing laws and regulations in impartial ways, consistently through time, without discrimination and with a right to appeal (<b>rule of law</b>)</li> <li>• Taking concrete steps to respect <b>substantive rights (legal or customary, collective or individual) over land, water and natural resources</b> related to protected areas, and to redress past violations of such rights</li> <li>• Taking concrete steps to respect <b>procedural rights</b> on protected area issues, including: appropriate <b>information</b> and <b>consultation</b> of rightsholders and stakeholders; fair <b>conflict management practices</b>; and non-discriminatory <b>recourse to justice</b></li> <li>• Respecting <b>human rights</b>, including individual and collective rights, and gender equity</li> <li>• Respecting the <b>rights of indigenous peoples</b>, as described in the UN Declaration of the Rights of Indigenous Peoples<sup>284</sup></li> <li>• Ensuring strictly the <b>free, prior and informed consent</b> of indigenous peoples for any proposed resettlement related to protected areas</li> <li>• Promoting the <b>active engagement</b> of rightsholders and stakeholders in establishing and governing protected areas</li> </ul>



Respecting rights and achieving conservation— a natural partnership. © gbf, 2009.

Kavet communities used to live inside what is now Virachey National Park (Ratanakiri province, Cambodia) where for centuries they had practised shifting agriculture in the bamboo groves along the sides of rivers and streams. This was done in closed-cycle patterns, leaving behind fallow areas exceptionally rich in biodiversity and agro-biodiversity. The practice was combined with strict conservation in the hills – home of the spirits, of many useful products (vines, mushrooms, medicinal plants) and of the sacred springs and lakes (“life springs”). The Kavet never fell trees for cultivation or timber, and used bamboos for all their needs. In the 1980s and 90s, the government persuaded the Kavet to abandon shifting cultivation, move out of the park and settle just outside. But the Kavet did not receive enough land to sustain their livelihoods, and the government later assigned to them some land in “community protected areas” (CPAs) inside the park. CPAs are supposed to be governed by a community committee but, in practice, park authorities retain control. The villagers can collect some forest products there, but lack even a basic knowledge of their rights. What is more, the government allowed mining and timber exploration inside and outside the National Park, close to the sacred hills where the spirits live. The elders stress that respecting these places — the source of their streams— is tied with the fate of the Kavet themselves. Hunger is now frequent in their villages, and people are tempted to extract timber illegally and hunt wildlife for sale, something they would have never imagined doing before. The original Kavet territories in Virachey were excellent examples of unrecognised ICCAs. Although undermined by conservation and development policies, some such ICCAs could still be restored, possibly combining land outside Virachey National Park and in the CPAs. But decision making for that should be genuinely participatory, building upon and strengthening the ties between the communities and their territories (Borrini-Feyerabend and Ironside, 2010).

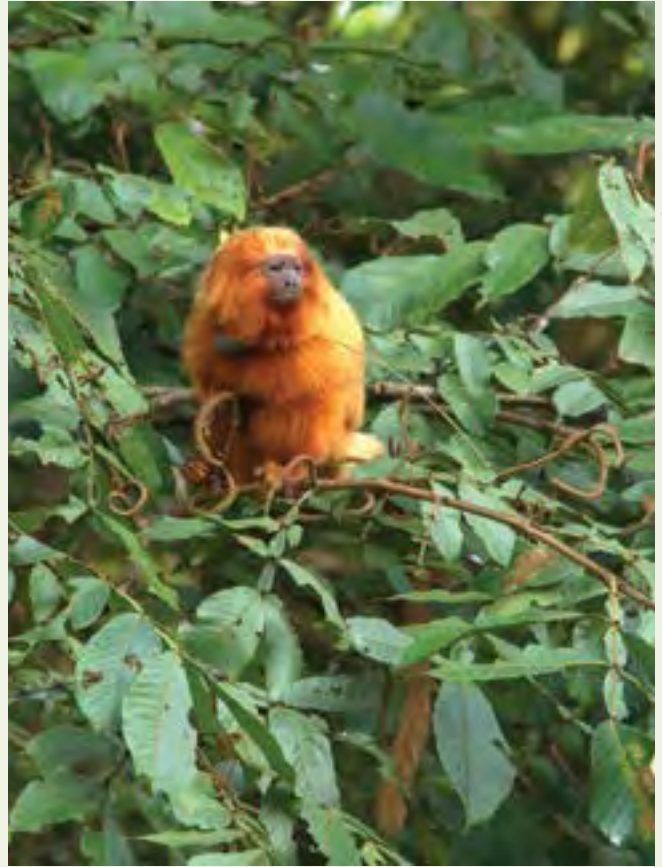
284 IUCN, 2008b.

SPEAKING CASES

## A mosaic of habitats for life <sup>285</sup>

The golden lion tamarin (*Leontopithecus rosalia*) – a tiny red-gold monkey that used to be found throughout the lowland Atlantic Forest of Rio de Janeiro State (Brazil) – is one of the most threatened primates in the world. Centuries of deforestation for timber, agriculture and cattle ranching reduced its habitat to 2% of its original extent, and this remnant was, in the 1970s, fragmented into small and isolated forest patches surrounded by cattle pasture. No wonder the wild population of tamarins was then down to fewer than 200 individuals. Viewed from a larger perspective, their situation today seems even worse: the habitat patches are sandwiched between the sprawling expansion of Rio de Janeiro in the south and the oil exploitation region of Campos in the north. And yet, the tamarins' total number in the wild has significantly increased and their prospects are now much better than they used to be. This is thanks to the Golden Lion Tamarin Association, which started a real crusade to save the tamarins in the early 1990s, re-creating habitats and corridors to complement the useful (but certainly insufficient) efforts of the biological reserve that had been set up the Brazilian government in 1975.<sup>286</sup>

Maria Ines da Silva Bento works for Golden Lion Tamarin Association and is accompanying a few visitors in a forest walk: "See these wild fruits? The Atlantic Forest habitat is characterised by a great diversity of tree species, many of which bear fruits. That is what the tamarins love! They remain



© Lion Tamarin Association



© gbf, 2012

<sup>285</sup> The visit and interview reported here were made possible by Luis Paulo Ferraz, Director of Golden Lion Tamarin Association, who is very warmly thanked.

<sup>286</sup> Poço das Antas Biological Reserve.

in the forested areas at lower elevation and they eat lots of fruits... if they can find them, of course." She continues: "The São João River watershed is where we have been trying out our major experiment in the 1980s and 1990s: re-introducing into the wild animals bred in various zoos of Europe and the USA, and working to re-establish a viable habitat for them. Private protected areas— which in Brazil we call Reserva Particulares do Patrimonio Natural (RPPN)— play a crucial role in this. For twenty years, our Association has been negotiating with private landowners to recreate enough habitats and corridors to sustain the population of the tamarin, and now 18 landowners have established their own RPPNs. The landowners receive some tax advantages, but the financial incentives are not so great; what motivates them the most is the pride of playing a part in protecting nature. Our association helped them to understand the conservation option, and to accept that, when an RPPN is established, this is forever: even future owners will have to respect it. But they do not need to dedicate the totality of their land. Once they have a management plan, with rules and zoning, they can dedicate part of their land for habitat preservation (or regeneration, as it is the case), part to agriculture, part to housing, etc. In some cases, they have developed an ecotourism business, and their Reservas Particulares are central to that."

The State and national government fully recognise the RPPN, and the municipality of Silva Jardim and others in the region receive some subsidies for them. While these should be re-invested in conservation, it does not always happen. "I have worked for Golden Lion Tamarin Association for nearly twenty years, carrying out negotiations with the local landowners, both large and small, to restore the forest on their land and to plant forest corridors to reconnect the landscape. We do that within and outside RPPNs, and sometimes this is easy, sometimes complicated. There are plenty of legal procedures to go through to create RPPNs. Some landowners never come to see the benefit of doing it, and the process is always slow. I have found out that it may take years of discussions, field visits and joint planning to convince one landowner. Even so, we have made much progress with the Reservas Particulares and our Association has also been monitoring the tamarin in the wild, carrying out environmental education, reforestation and watershed protection activities, etc. Our goal for the year 2025 is to have 2,000 golden lion tamarin living in 25,000 hectares of 'protected and connected Atlantic Forest habitat'."

We are sitting with Maria Ines and a group of landowners discussing how they go about restoring the forest in their land. Many of the landowners were not born here but arrived in waves of migration from other areas of Brazil, where survival was no longer possible for them. They explain that agroforestry is an option. They can plant the typical trees of the Atlantic forests, which retain water and recreate the desired habitat, and inter-mix them with commercial crops, such as manioc, corn, banana and pineapple. Some of them are banking on water, building fish and duck ponds.



© Lion Tamarin Association

Others raise cattle or keep small animals, such as rabbits and chicken. Some have invested in tourism. But they all know the threats to the tamarins—which they also clearly perceive as threats to their own quality of life— have not gone away. The existing forest and the pasture areas the Association is trying restore are also coveted for urban expansion and subdivision of rural properties for housing development. Driving this threat is the nearby city of Rio de Janeiro, and the rapidly growing industrial and oil complexes of Macaé and Campos. "Yes" concludes Maria Ines "the price of land in the area has risen significantly. But so has the awareness of other values than money—values such as a lifestyle in tune with nature, a chance to live close to wild biodiversity, and the satisfaction of mutual support to conserve it for future generations."



## Part 2

### Towards effective action

## 7. Assessing and evaluating governance for protected areas



A regional meeting in Senegal. The opportunity to discuss governance of protected areas in a regional setting is appreciated by managers of protected areas, rightsholders and stakeholders alike. © gbf, 2005.

Protected area managers are usually very busy and preoccupied with a variety of immediate issues. Understandably, many ask themselves: “Why should I deal with the additional complexities demanded by understanding and improving governance?” “Why should I invest energy, time and financial resources?” Let us try a few answers.

### **... because governance is the variable with the most potential to improve coverage**

In the wake of the adoption of CBD Aichi Target 11, many countries are reviewing their systems of protected areas and wondering whether and how they will be able to expand it to conserve up to 17% of terrestrial and inland water, and 10 % of coastal and marine areas “of particular importance for biodiversity and ecosystem services”. In fact, only an innovative treatment of governance seems to facilitate the expansion of the coverage of their protected areas systems. France had not been able to add one hectare to its National Parks in about two decades, and was facing conflicts in the existing ones. In 2006, however, a new Protected Area Law instituted a system of shared governance for all National Parks. Since then, three new National Parks have been created, protecting over 2 million hectares.<sup>287</sup>

287 Conversely, the fact that in many countries legislation does not allow for the recognition of protected areas designated by land-owners is known as a having serious negative implications for conservation (Stanciu and Ionita, 2013)

### **... because governance is a determinant of effectiveness and efficiency of conservation**

Governments, funding agencies, regulatory bodies and stakeholders in general are interested in how well their protected areas achieve their stated goals and objectives. They also want to see how the results generated compare with the effort expended and the resources committed. We now know, however, that the quality and acceptability of governance are important determinants of management effectiveness.<sup>288</sup> And we know that areas conserved by indigenous peoples, local communities and private landowners can provide conservation and other benefits<sup>289</sup> at little cost to society.<sup>290</sup> This amounts to a strong recommendation for investing effort in assessing governance and improving arrangements wherever possible.

### **...because governance is a determinant of appropriateness and equity of decisions**

Protected areas face many types of decisions, responding to opportunities and threats to their ecological integrity and

288 Charles and Wilson, 2009 ; Leverington et al., 2010; Persha et al., 2011.

289 Hayes, 2006; SCBD, 2010.

290 Kothari et al., 2012, and references therein; Mitchell, 2005.

social and cultural significance. Weak results are often due to the failure of legislation, policies and decision-making processes to understand and “fit” the situation, and to make available meaningful guidance and effective incentives (e.g., social recognition, financial support) to managers and others. Legitimate and responsive governance settings can prevent that. They can provide guidance and incentives to solve socio-ecological dilemmas, including those that involve issues of human rights and indigenous peoples’ rights. And they can strive to maximise the ecological, social and cultural benefits derived from protected areas while making sure that no one individual or community bears a disproportionate cost for conserving the goods and services that benefit all.

### **...because governance can ensure that protected areas are well integrated in their wider ecosystem and society**

Appropriate and responsive governance processes should promote the best possible fit of the protected area within the prevailing historical and socio-cultural institutions and values. This implies strong connections with policy instruments that address environmental issues outside the protected area borders,<sup>291</sup> such as land use plans and resource management approaches at a landscape or seascape scale. If a wide range of rightsholders and stakeholders directly invest in conservation, they are likely to strengthen their long-term commitment to it, thus helping to make management more adaptive, and expanding capacity beyond what government itself is able to undertake. In this sense, embracing a broader variety of governance types would in itself tend to improve sustainability, connectivity and resilience.

### **...because CBD Parties agreed to report about governance of protected areas as part of their PoWPA-related and other requirements**

In 2010 the Parties to the CBD re-affirmed their desire to monitor progress towards the goals of PoWPA and adopted a reporting framework on national implementation, to be integrated with reporting on progress towards the CBD Aichi Biodiversity Targets.<sup>292</sup> That reporting framework goes well beyond the information regularly communicated to the World Database on Protected Areas or to the UN List of Protected Areas. It includes questions related to standards and best practices for protected area governance, governance types, laws or policies to enable new governance types, and even specific inquiries on progress made in assessing protected area governance per se.<sup>293</sup> Reporting of this kind is supposed to be done through transparent and effective mechanisms which allow for input and review by rightsholders and stakeholders.

### **...because governance can be improved and provide precious help in facing on-going challenges and global change**

Far from being immutable, the institutions and rules governing society are dynamic phenomena that can, and should, accommodate on-going challenges and global change. Issues of governance tend to come to the fore when there is conflict,<sup>294</sup> and serious conflicts can often only be resolved by changing the governance arrangements. For instance, overcoming a conservation-development dilemma may require new rules or new institutions. “Adaptive governance” should be cautious and well-informed, but also visionary.<sup>295</sup> Different governance settings should be assessed and evaluated in terms of their different advantages, disadvantages and capacity to cope with change.

Assessing and evaluating the governance of protected areas should help establish which governance arrangements will:

- best fit the local history, culture and society, and deliver conservation of the protected areas and sustainable livelihoods for the people who live in or near them;
- best promote the full use of available resources and capacities, and deliver decisions likely to be widely understood, appreciated and respected;
- make the current distribution of the costs and benefits of conservation more equitable and thus more acceptable;
- best affirm rights, including the rights of indigenous peoples and local communities, according to national and international legislation and commitments;
- engage rightsholders and stakeholders more at different levels, including through dialogue and collaboration between traditional and modern institutions;
- be the most flexible, resilient and capable of responding to uncertainties and emerging threats, such as global financial crises and climate change.

Besides addressing such important issues, the actual process of assessing and evaluating governance should in itself reveal new understandings about conservation, livelihoods and their interdependence, and encourage new ways to support them.

The remainder of this Section introduces some basic considerations underlying the assessment and evaluation of governance. The next two Sections outline a process to conduct these, which can be applied at:

- the level of a system of protected areas, e.g., national or sub-national/regional (see Section 8)
- the level of an individual protected area (Section 9)

The purpose of assessment and evaluation is to improve governance through effective action (see Section 10).

<sup>291</sup> Actually, an appropriate governance system should start at the time of establishing the protected areas and its borders.

<sup>292</sup> CBD Decision X.31, Nagoya, 2010.

<sup>293</sup> Indeed, this is one of the reasons why these Guidelines were solicited by the CBD Executive Secretariat.

<sup>294</sup> Howard Hendricks, South Africa National Parks, communication at CBD workshop in Cape Town, January 2012.

<sup>295</sup> Ollson et al., 2004; Folke et al., 2005.



At Spring, the melting of glaciers re-awakens life at all altitudes. © gbf, 2000.

Assessing and evaluating governance for a protected area or a system of protected areas can be initiated and driven by many actors, including individuals, NGOs, academics, communities, protected area management bodies or other agencies of government. None of them, however, will be effective if working in isolation. A variety of rightsholders and stakeholders need to be involved, at a minimum through consultation, but ideally through more interactive processes.

The CBD recommends this approach. CBD Decision IX.18 calls on Parties to “establish multi-sectoral advisory committees... in support to the implementation of the Programme of Work on Protected Areas”.<sup>297</sup> The Committees should include representatives from “government agencies and departments, indigenous and local communities, NGOs, the private sector, experts, academia and research institutions” and assist governments to give special attention to governance issues by “diversifying and strengthening protected-area governance types” and “establishing effective processes for the full and effective participation of indigenous and local communities in the governance of protected areas”.<sup>298</sup> Participatory processes discussed in this volume are an effective way to respond to the CBD requirements.

## 7.1 The basics

**Assessment** is a process by which:

- relevant information is identified and shared, and more information is collected, as needed;
- the situation is understood in relation to its context;
- the situation is analysed, identifying problems and opportunities.

**Evaluation** is a process by which:

- the results of the assessment are examined vis-à-vis specific objectives, goals and values;
- needs for change are identified;
- a clear set of recommendations is developed to move closer to the desired situation.

Assessment and evaluation may identify the need for change—so action is the third step that renders assessment and evaluation meaningful. But action will only be effective if there is the will and capacity to act.<sup>296</sup>

While assessment, evaluation and action relating to governance can be carried out in response to a specific issue or problem, it is best to envisage them as regular activities that need to be considered periodically. Just as “adaptive management” requires that management responds to changing conditions, so “adaptive governance” is a process of learning from, and acting upon, the results of monitoring and evaluating governance. But governance is more sensitive to change than management. So, while improving governance has a unique power to affect and solve problems, a cautious approach to governance change is especially advisable.

<sup>296</sup> This does not mean that governance should be assessed and evaluated only if resources for action are assured. In some cases, these resources may become available along the way or as a consequence of the assessment results.

### Assessing and evaluating governance of protected areas

Understanding and analysing the exercise of authority, responsibility and accountability for a protected area system or specific site (assessment), and drawing conclusions and recommendations (evaluation) in light of the protected areas’ mission and objectives and the shared values of the wider society.

## 7.2 The approach

While every country will have to do some level of governance assessment and evaluation to report about advancement of their national actions to implement the PoWPA, the commitment of time and resources should be judged according to context. Thus a small country with a policy that fully engages local communities in governing and managing their protected areas may readily see the benefits of a relatively rapid evaluation facilitated by one or more expert professionals. On the other hand, a country whose system of protected areas is in crisis but wants to change gear and meet the CBD Aichi Targets, may need a thorough participatory assessment and evaluation of governance in order to generate a new impulse for conservation. Similar considerations apply to the case of individual protected areas. A small, privately-owned nature reserve in an area with no pressing subsistence or land tenure issues may put much less weight on participatory approaches than a strategically important national protected area where management decisions affect many groups and communities.

<sup>297</sup> CBD Decision IX.18, para 5, Bonn, 2008.

<sup>298</sup> CBD Decision IX.18, para 6 (a) and (d), Bonn, 2008.

The first questions to consider are: the **objectives** of the exercise; its **geographical scope** (is it to cover the whole country, only its coastal areas and exclusive economic zone, a specific region or marine area or just one specific protected area?); its **topic scope** (e.g., is it to embrace all kinds of protected areas or just certain types?); and the **human, technical and financial resources** available for the task. This will show if it is better to undertake the exercise through expert professionals only, or to engage a variety of social actors with relevant knowledge, capacities and concerns (“participatory” assessment and evaluation). If the latter, the process could seek to involve all main concerned rightsholders and stakeholders or only some of them. Some assessments and evaluations exercises, for instance, can be carried out by sub-groups, such as the governing bodies themselves.

**Expert assessment and evaluation processes** have the advantage of being fairly rapid and should involve minimal disruption of normal management activities. Key informants are approached and interviewed by the experts, often resulting in a fresh perspective from experienced and “unbiased” individuals. In this sense, expert assessments are indeed convenient. But they depend for their success on the capacities of the expert(s) and their ability to elicit, analyse and interpret information from a variety of actors and situations. And no expert, no matter how wise, is able fully to appreciate local complexities in a short mission. Finally, the value of an expert assessment depends entirely on the willingness of the governance system in power to listen to his/her advice - no amount of excellent expert analysis of a current governance situation will lead to change... unless it meets a responsive and accountable *governing structure*.

**Assessment and evaluation processes carried out by specific groups**, such as staff of environmental NGOs, development cooperation agencies or federations of indigenous peoples, may be useful in developing a solid foundation for their conservation work, and in equipping themselves for advocacy or helping to inform national policies. The extent to which such processes are open to wider civil society depends on their scope and the tradition of deliberative democracy of each country. These processes are less complete than full participatory processes, and can raise questions about possible biases, accountability and how the results are used. If done honestly and carefully, however, they will provide much valuable information – and are far better than acting on no assessment and evaluation at all.

**Participatory assessment and evaluation processes** are more complex,<sup>299</sup> as concerned and diverse groups and individuals engage together in observations, testing of phenomena, analyses and group exercises. Such processes may involve numerous meetings and need to be guided by experienced facilitators. The process itself, however, can help to build trust and develop insights among protected area decision-makers and other rightsholders and stakeholders. Working together, each group becomes more aware of the responsibilities and perspectives of others, and can benefit from more accurate information. Protected area managers,



*Propithecus verreauxi* is a lemur known for its ability to leap among the branches of trees. Found in a variety of forest habitats in Madagascar, the IUCN lists it as vulnerable. © J. Durbin, 2005.

in particular, gain insights into what other stakeholder groups value and require from them. Participatory assessment and evaluation processes are unique in their potential to unleash the knowledge and capacities that exist in any given situation, but they demand time and human resources. And they have pitfalls. Some participants may be much more powerful and articulate than others, and intimidate them into silence; some may be omitted by accident or design, and become frustrated and resentful; some may be turned off if the process is too intensive or goes on for too long. So, there is a danger that participants can simply disengage, especially “...should their views be perceived to be different from the majority view on a given subject”.<sup>300</sup> When this happens, less interactive ways of gathering opinions, such as household surveys and individual interviews, may be needed.<sup>301</sup>

Even in participatory processes it is impossible to involve every single individual concerned, so some representatives of rightsholders and stakeholders groups will need to be identified. Because these should be as legitimate and trusted as possible it may be necessary to hold preliminary meetings with the rightsholders and stakeholders groups (e.g., farmers’ associations, women’s groups, scientists) and to open up the option for any interested person to contribute through letters, phone calls, e-mail, internet blogs, etc. It is crucial that all legitimate representatives can effectively participate. Key considerations are: the language used, the costs of travel, and the dates and locations of meetings. Just because participatory processes are often voluntary they may be dominated by those with time or particular motives to engage; such advocates may not be representative of a “silent majority” and/or ignore the needs of a minority without the resources to participate. Some people may

299 See Abrams *et al.*, 2003, and Borrini-Feyerabend and Farvar, 2001.

300 Hewlett, 2010.

301 Hewlett, 2013.



Women have important knowledge and capacities to engage in governing and managing natural resources. © gbf, 2004.

need compensation if they are to take time off work to attend meetings, group meetings that are too large may be intimidating, and it is important not to raise expectations beyond the ability to deliver. Participants should understand whether they are being asked for their opinions or have a real opportunity to help bring about change. In summary, participatory approaches need to be designed carefully, and fit the local circumstances as well as possible.

Assessment and evaluation should always take account of the dynamics of social change in the country concerned.<sup>302</sup> In some social environments, voicing critical opinions in public is unusual. On the other hand, the very act of reflecting and deliberating together with others may be transformative for some participants, and lead them to acquire new confidence and skills. The participatory assessment and evaluation process can thus become, in itself, a factor promoting change: it could directly improve governance via enhanced understanding, participation and voice. This may be particularly true for protected area staff. External facilitators should work with them to address potential fears and any resistance to opening up to participatory processes on issues that affect with their work, stressing that, while these processes demand transparency, they can also unleash valuable community resources (e.g., knowledge, attitudes, labour) which can make their work easier, more appreciated and more rewarding.

Regardless of the approach, a key factor in success is the willingness to work with **integrity and transparency**, and to document clearly and share widely the results of the exercise. Such openness will increase confidence and improve the

understanding of governance in general. It is also important that the assessment and evaluation lead to some **concrete action**— something that should be agreed upon before starting the exercise. Timely follow-up is cost-effective, enhances the value of the exercise and maintains enthusiasm, credibility and confidence among all participants. Lack of follow-up makes participants disillusioned and unlikely to take such processes seriously in the future. So there must be the political will to respect and follow up the results of the assessment and evaluation process.

## 7.3 The participants

There is a growing recognition of, and value placed upon, the rights, responsibilities and capacities of rightsholders and stakeholders in conservation. Moving beyond simple “consultation” and engaging such actors in decision-making can broaden social support for protected areas and thus improve management. Similarly, the perspectives of diverse rightsholders and stakeholders can bring new information to light about governance issues, problems and opportunities. And the social actors directly engaged in such assessment and evaluation processes are likely to develop a stronger commitment to conservation, making governance changes and other necessary action easier to achieve.<sup>303</sup> It is thus desirable that actors as diverse as government staff, landowners, indigenous peoples, recreation visitors, industrial users of waters, tourism companies, conservation NGOs and research institutions engage in the process of governance assessment, evaluation and follow-up action. Other participants may include UN agencies and cooperation

302 Pimbert and Wakefield, 2001.

303 Chambers, 1992; Jackson and Ingles, 1998; Margoluis and Salafsky, 1998; Ostrom, 1990; Steinmetz, 2000.

agencies. Decisions will be needed about involving the representatives of foreigners in general and of groups that are keenly concerned but also affect negatively the protected areas system, such as charcoal makers or representatives of industrial fisheries, which at times include illegal resource users.

The CBD recommends that a national multi-sectoral committee be created to support the implementation of PoWPA.<sup>304</sup> If such committee does exist, it could appoint a **Governance Team** (hereafter “the Team”) for the purpose of guiding the governance assessment and evaluation process and overseeing the resulting action. Depending on the level and scope of the desired exercise, such a Team (or teams) may be needed at national or sub-national levels, or for an individual protected area. The Team could include members from the committee itself as well as other relevant representatives and experts. If the national multi-sectoral committee recommended by CBD does not yet exist, it would be an excellent occasion to set it up.

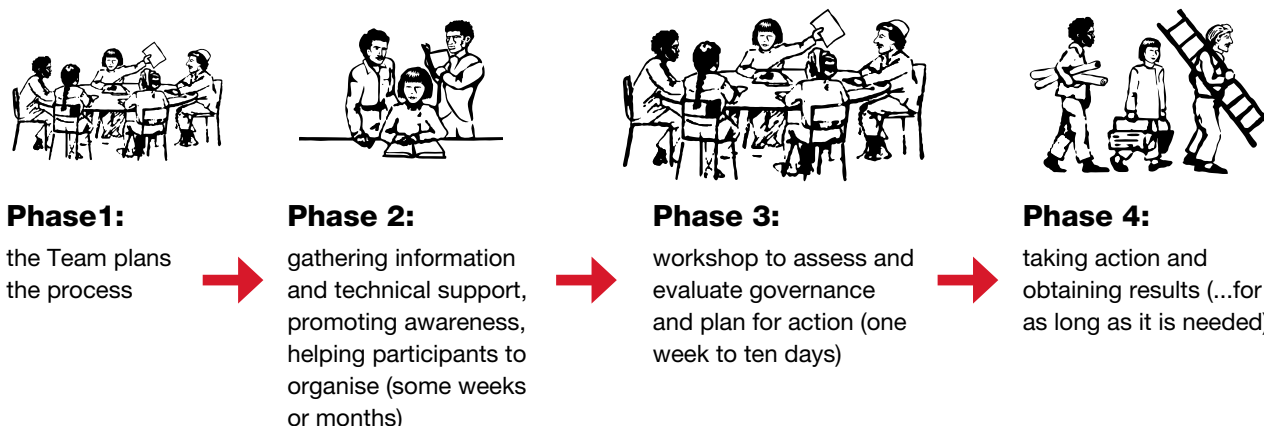
The size of a Governance Team will vary and should reflect the particular needs of the specific context. We recommend making it a rather small Team (three to seven people) whose members are chosen for competence, trust, credibility, and exceptional capacities to communicate with, and to convene, a broad variety of rightsholders and stakeholders. The Team would thus not “represent” rightsholders and stakeholders, but enjoy their trust, be able to communicate with them effectively, and be capable of accompanying and sustaining a successful process. This said, we nevertheless recommend that the Team includes people drawn from both government and civil society backgrounds. The Team may also include one or more well-respected professional advisors and facilitators. For instance, it may be useful to include an expert on governance issues, to help prepare some background material, identify the people

who should participate in the first Phase in the process (see Fig. 7), write-up the final report, and complete CBD reports for submission to the national CBD Focal Point. A data management expert may also be useful, but this expertise is not essential as it can be accessed through consultancies. A professional facilitator familiar with relevant languages and customs may be useful to help the Team move through its tasks and would also be able to facilitate all meetings in the process with excellent understanding of the situation and desired results. The process will need a convening agency and resources. So the Team will certainly require effective linkages – and possibly one dedicated contact person – with the convening agency and funding agency.

## 7.4 The recommended process

Field-based attempts to assess, evaluate and plan for action for governance of protected areas have emerged only recently, and have been applied so far only locally, often using methodologies designed for individual sites or ecosystems (e.g., forests, or marine areas).<sup>305</sup> They are examples of work in progress, accumulating valuable insights for practitioners. Drawing upon such work and the experience of governance-focused workshops that took place in conjunction with CBD regional meetings,<sup>306</sup> we recommend a participatory process for governance assessment, evaluation and planning for action. This process is applicable to both individual sites and protected areas systems and some version of it can be carried out during expert evaluations and small group evaluations.

The process is schematically shown in Figure 7.



**Figure 7. Outline of a process for assessing, evaluating and taking action** on the governance of a system of protected areas, or of a specific protected area site.

<sup>304</sup> CBD Decision IX.18, Bonn, 2008 and CBD Decision XI.24, para 1 (f), Hyderabad, 2012.

<sup>305</sup> Ministry of Environment and Forests of India, 2012; Sharma et al., 2012; Kishor and Rosenbaum, 2012; Moore et al, 2011; Jones et al., 2011; Charles and Wilson, 2009; Abrams et al., 2003, Graham et al. 2003; Borrini-Feyerabend and Farvar, 2001.

<sup>306</sup> CBD regional workshops took place from 2009 to 2012 in Cote d'Ivoire, India, Colombia, Germany, South Africa and Barbados.



A community meeting in Coron Island, The Philippines. © gbf, 2010.

The process includes four Phases:

- Phase 1: a preparatory workshop;
- Phase 2: a period of gathering and analysing information, identifying technical expertise and support, communicating with rightsholders and stakeholders, and, as necessary, helping them to organise;
- Phase 3: a main “core workshop” dedicated to assessing and evaluating governance, and planning for action on the basis of the evaluation results;
- Phase 4: taking action according to the plan.

The four Phases will be further described below, with an emphasis on specific steps and tools for Phase 3.

Three important points should be made about the recommended process:

- assessing governance properly takes time, and we are describing an ideal. The ideal time and resources will not always be available and shorter and simpler assessments can still yield valuable results;
- the process and methodology should be adapted to different contexts, conditions and aims;
- the process cannot be captured entirely on paper: it will become alive only when individuals will become its “champions”. Champions have no need to be governance experts, but they should be committed to improve governance and have the qualities of awareness, integrity, credibility, enthusiasm and the capacity to inspire others.

### Phase 1: Preparatory workshop



In this workshop, the Governance Team described in Section 7.3 gathers to examine “governance of protected areas” in some depth, discuss the benefits of assessing, evaluating and taking appropriate action to improve it, and plan specifically when, where, how, with what resources and under whose leadership and responsibility the overall process will unfold. Besides enhancing their own awareness of the topic and energizing themselves for the task, the participants will examine specific needs, opportunities and potential obstacles in the overall process. One element of focus is the **identification of the information, tools and technical expertise** needed for Phase 3 of the process. As maps are essential for Phase 3, the kind of data to be mapped will need to be identified, as well as any necessary technical skills to manage the data, plot different parameter combinations at different scales, etc. A second focus of discussion is the **analysis of the rightsholders and stakeholders** for the protected areas system or individual site: who are they? how closely concerned are they about the protected areas? who, among them, should be invited and assisted to take part in Phase 3? who should contact them? who, among them, is expected to be well organised and ready? who will need support to organise? and so forth. The Team may agree that awareness-raising initiatives are needed before the process can proceed successfully. If this is the case, such initiatives should be organised as part of Phase 2. The workshop could last one day, but it will be the first of a series of regular meetings of the Team that will accompany the process throughout.



## Phase 2: Gathering and analysing information and technical support and helping rightsholders and stakeholders to organise



The length of this Phase will depend on what information is already available, what has already been accomplished in the implementation of CBD PoWPA, how broadly aware of governance issues

the concerned actors are, and what needs to be done from scratch to provide the information and expertise necessary for Phase 3 (see below and further in Sections 8 and 9). Countries that have already taken steps to implement the PoWPA may have carried out an ecological gap analysis, a management effectiveness assessment of their protected areas, a capacity-building needs analysis or even a preliminary governance assessment. These should be taken as a starting point. In the absence of these, or to strengthen their results, a number of **desk studies** may need to be commissioned to cover topics as diverse as hydrology, habitats of endemic species, the unique historical and cultural traits of the region that affect conservation, or the legal framework under which the system of protected areas has evolved. Besides existing documents, the Team will have identified **individual experts** who can participate in Phase 3, and those will need to be contacted and engaged.

Existing maps of biological, ecological, socio-cultural, economic and management information should be gathered, and the sources of **spatially-referenced data** used to compile such maps should be identified. Much information is usually available, but the challenge is to identify who holds it and to obtain permission to use it. The kind of information that might be the most difficult to obtain is sensitive data about governance, including data related to institutions and governing systems for protected areas, land use and land and resource ownership.<sup>307</sup>

All data should be entered digitally in a Geographical Information System (GIS) with the possibility of generating digital overlays for example on a Google Earth image platform.<sup>308</sup> Standards for spatial and digital information can be obtained from UNEP-WCMC,<sup>309</sup> and should be used wherever possible to ensure that information can be incorporated into the WDPA and ICCA Registry. If digital information is not available, standardised aerial photographs, orthophotos, cadastral maps and the like can be used to develop it. For this, the Team will need to obtain the services of a **data management expert** who can produce a range of GIS-based maps at different scales. This expert should also be available to assist in data review and analysis during Phase 3.

During this Phase, technical experts and rightsholders and stakeholders should be identified. This will help in collecting information and in disseminating awareness of the assessment and evaluation process. Experts, rightsholders and



Kattunaickan communities contribute to conserving forest resources in the Nilgiris of India. © Ullash Kumar, 2011.

stakeholders representatives should be invited to participate in Phase 3 and, if possible, meetings and small workshops should be organised to inform and engage them.

This Phase should also be used to establish if **rightsholders and stakeholders** are ready to take part in the process of assessment and evaluation. If not, the Team should encourage and support them **to become organised**, for example to develop an internal agreement on the issues at stake and to appoint a representative to convey their views to others.<sup>310</sup> Depending on whether the focus is at a site or system level, local or higher level representatives of concerned actors may be involved.

The Team will need to commission studies and consultations, following them up, analysing their results, but also visiting rightsholders and stakeholders to inform and gather information from them. Participatory methodology and tools (interview methodologies, structured brainstorming, problem analysis, mapping, ranking and scoring tools, etc.) should be used both to gather data and to spread awareness of what protected area governance is about.<sup>311</sup>

Information gathering raises several potentially difficult considerations:

- not all the information brought to light through such contacts should necessarily be taken at face value and contradictory information may arise;

307 Marta de Arzevedo Irving, personal communication, 2012.

308 The National Geographic provides on line spatially-referenced information on several variables and phenomena related to physical and human systems.

309 See also <http://protectedplanet.net/>

310 Borrini-Feyerabend et al., 2004b.

311 See Barton et al., 1997.



Conserving the cultural landscape needs constant action and care in the Cinque Terre National Park, a World Heritage Site in Italy. © Luca Fregoso, 1992.

- it should not be assumed that people are always ready to share information, since some will be inhibited by a fear (well-founded or otherwise) that their activities may be considered illegal, now or in the future;
- some rightsholders and stakeholders may themselves need information before being able to judge whether they wish to engage in the governance assessment, evaluation and action process. For instance, indigenous peoples should know about Free, Prior and Informed Consent before being asked to release information on their territories and natural resources;<sup>312</sup>
- care should also be exercised when posing questions on sensitive issues as these may expose old conflicts or create new ones.

### Phase 3: Assessing, evaluating and “planning for action” workshop



**Phase 3 is the heart of the process. Because of its crucial importance, it is the subject of most of Part 2 of these guidelines.**

**Section 8** offers a framework methodology for a system of protected areas, showing how the participants in the workshop can examine the information collected in Phase 2 and from that: i) identify governance issues, problems and opportunities; ii) evaluate the need for change; and iii) plan for action.

**Section 9** provides a framework methodology for an individual protected area site, with similar intended outcomes.

The workshop should be organised by the Governance Team and involve the representatives of the key actors identified and contacted during Phases 1 and 2. It will deal with important conservation and development subjects and will need access to both technical expertise (e.g., a data management expert) and local knowledge, as applicable. At the end of the workshop, responsible authorities should be formally presented with the results and, if possible, they should commit to respond in a positive way to the recommendations for action.

Carrying out all the recommended steps in the methodology means that the workshop could last 5 to 10 days; it might often be best, therefore, if it were split into two sessions. When dealing with very large systems, e.g., the national system for Australia, India or Brazil, it will clearly be preferable to start with a smaller sub-system. This may also be the case in countries where different languages are used in different parts. In most countries, however, only a single workshop will be needed – and the advice here assumes that this is the case. Issues may be identified during the workshop that need a variety of solutions, including gathering more information and advice from the citizens at large, field visits by experts, field meetings, and broader political and economic solutions that require time. In such cases, the workshop can clarify the issues and provide a starting point for further action, including recommendations to a variety of authorities.<sup>313</sup> Given the range of possible outcomes, it is desirable that the workshop be assisted by both a governance expert and an experienced facilitator.

### Phase 4: Taking action



All the previous Phases should lead to action: without it, much of the effort will have been wasted. And the credibility of recommended actions will largely depend upon how well the foundations have been laid during the earlier Phases of the process.

So, a well run Phase 3 workshop should generate a number of initiatives to improve governance. Most of these will have a time span of one to three years, accompanied by on-going monitoring and evaluation of results. Longer term initiatives (five years and more) could also be envisaged, for instance to develop governance capacities in professional training at national level.

**Section 10** gives more guidance on the kinds of actions that can emerge from the whole process.

<sup>312</sup> See, for instance, ILO Convention 169 and UNDRIP.

SPEAKING CASES

## A world of connections



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“There is an old Haida proverb that says ‘the land and the sea are one – they are joined together, there is no break’. I like this very much, as it reminds us that everything is joined and connected.” Gwaaganad Diane Brown is walking along one of the estuaries that grace the coastline of Gwaii Haanas, a highly productive meeting place of fresh and salt water, land and sea in British Columbia. Rain, which falls abundantly throughout the year on the higher forested areas, gathers into streams that wind past trees, shrubs, lichens and mosses and finally converge into rivers that meet the sea in gently sloping, wide bays. There, estuaries and salt marshes trap and recycle nutrients, including nitrates, phosphates and small organic matter. This fuels the growth of plants and phytoplankton that, in turn, attract juvenile fish, shellfish, migratory shorebirds and seabirds. In this rich environment, ever changing with the breathing of the tide, it is also common to find eelgrass meadows, a habitat critical to many marine species. Gwaaganad also points out the remarkable potential of the estuaries to sustain human livelihoods: in a few minutes, simply by digging one foot deep, she finds a dozen large and delicious clams, each more than one kilo, the heart of a dinner for a large family.



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Estuaries are one of the most endangered habitats in this part of Canada. Rare to begin with, they were made rarer and more precious by the development of coastal areas, the introduction of invasive species and the loss of endemic ones (such as the overharvested sea otter). And threats from sea level rise loom on the horizon. These unique environments, and their adjacent kelp forests, are vital for herring, the essential “forage food” for many marine animals – gulls, eagles, sea lions, Pacific white-sides dolphins, humpback whales – while the eggs of the herring are loved by crabs, snails, sea stars, shrimps, plenty of fish species, gray whales and black bears and, of course, salmon and people! The salmon, in particular, is crucial to the understanding of the Haida that “the land and the sea are one”. As hundreds of thousands of salmon return to spawn,

they feed the birds, the bears and the rich floor of the “salmon forests”, a dramatic example of nutrient transfer from sea to land, and then back to sea.

The Gwaii Haanas National Marine Conservation Area Reserve was formally established in 2010.<sup>313</sup> Already in 1985, however, in a move to protect their ancestral domain from logging and other resource extractions, the Council of the Haida Nation had designated both the land and sea of Gwai Haanas as a Haida Heritage Site. This was followed in 1988 by the signing of the South Moresby Agreement that committed the government of Canada and the Province of British Columbia to establish Gwaii Haanas National Park Reserve and to the

313 Mike Wong, personal communications, 2012. See also: Parks Canada and Haida Nation, 2008; Parks Canada and Haida Nation, undated.



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future establishment of what was then referred to as a “marine park”. In 1993, after five years of negotiations, the Council of the Haida Nation and the Government of Canada signed a landmark cooperative agreement for the governance of the area, called the Gwaii Haanas Agreement. Why a dual Park-Reserve status? This stems from a land ownership dispute. Both the government of Canada and the Haida Nation claim ownership of the land, and they could have spent years in litigation if they were not both willing to put aside their differences and promote their common interests and concerns for conservation. They agreed on a shared governance regime, which may have slowed down some decisions, but assured that they were all well thought-out and widely accepted.

The agreement, however, was only for the terrestrial component of Gwaii Haanas: the dream of the Haida Nation to connect and protect land and water had to wait for one long further decade. Why so? It was, again, a matter of governance. Some elements of federal legislation were seemingly unable to accommodate the ability of the Haida Nation to move freely between the land and the sea and restricted their customary fishing rights, rules that the Haida were not ready to accept. So they stood firm in their intention to maintain control over their waters as they had done in their fight against logging, commercial fishing and oil explorations that already promoted the establishment of the terrestrial protected area. The Haida are a uniquely determined people, and few had doubts that they would eventually succeed. Now, everyone appears satisfied. Gwaii Haanas is governed by the Archipelago Management Board, made up of three representatives of the Government of Canada and three representatives of the Haida Nation, working by consensus.<sup>314</sup>

<sup>314</sup> Ernie Gladstone, personal communication, 2012; Gwaii Haanas Marine Agreement, Vancouver, BC, 16 January 2010.



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Some Canadian officials even speak of a “honeymoon period” for the shared-governance relationship that was, two years ago, extended to approximately ten kilometres offshore from the existing terrestrial area.

If the shared governance regime works so well, however, why is it the exception rather than the rule? Why is it that in all other National Parks, governance only sits with Parks Canada, the responsible federal agency? The answers are not entirely clear. After all, much of the land in Canada’s protected areas is under resolved or unresolved claims by indigenous peoples. The indigenous peoples get important advisory roles and generally succeed in obtaining special hunting and trapping rights. But they have not yet succeeded in obtaining clear governance roles in protected areas. The results obtained by the Haida Nation remain unique. Gwaaganad Diane Brown looks towards the merging line of ocean and dense clouds in the horizon and says: “Haida Gwaii – our islands of wonder and beauty – is a little world in itself. It is also a reflection of the whole world.”

# 8. A framework for assessing and evaluating governance for a system of protected areas

The main objective of the CBD PoWPA is the establishment and maintenance of “comprehensive, effectively managed and ecologically representative national and regional systems of protected areas”.<sup>314</sup> The adoption of the CBD National Profile on the Implementation of PoWPA<sup>315</sup> requires Parties to report progress on their system’s “representativeness, comprehensiveness and assessed ecological gaps”. In the light of this, countries need a comprehensive baseline assessment of what they do or do not include in their protected area systems. IUCN offers a broadly accepted definition of what a protected area is and of a range of management categories and governance types.<sup>316</sup> It has also provided basic guidance on what a protected area system should include,<sup>317</sup> stating that a protected area system should strive to be representative, comprehensive, balanced, adequate, coherent, consistent, efficient and equitable. Many of these characteristics can be satisfied by ecological and biological considerations alone, but all require socio-economic and political leverage for the system to be established and/or expanded. In particular, governance considerations in terms of type and quality need to be examined if a protected area system is to become both “efficient and equitable”.<sup>318</sup>

We propose here **a framework for governance analysis comprising historical, socio-cultural, legal and spatial elements**. The framework is indicative rather than definitive or prescriptive. It comprises a number of steps that could be carried out as part of the workshop recommended for Phase 3 of the process. The framework is first described in general terms and then presented in greater detail in Table 9. Finally, we offer advice on how to carry out each step.

## APIs

Within this document, we adopt the abbreviation APIs for “areas of particular importance for biodiversity and ecosystem services” – a key reference in Aichi Target 11 of CBD.

Participants should begin by clarifying whether the system under consideration is to be an entire country or part of it, such as a region or a major ecological feature. They are then invited to explore the historical development of the relevant protected area system, the actors and institutions which play



In Pongso no Tao (Lanyu Island, Taiwan, Province of China), trees are planted at the birth of each child, to be harvested for house construction when they will start their own family. Only the trees marked for this purpose can be harvested from the forest. © gbf, 2013.

or have played important roles, and the legislation and policy framework available to accommodate a diversity of protected area governance types. Following that, they should identify the IUCN management category and governance type for each protected area in the system, positioning them within the IUCN Protected Area Matrix (see Table 5 in Section 4) and examining their distribution and any clustering. The next step is a spatial analysis of governance (or governance analysis from an ecosystem perspective) for protected areas, identifying governance types on a map of the country or region.

Participants should then identify and map “areas of particular importance for biodiversity and ecosystem services”<sup>319</sup> (in short, APIs) on the basis of available knowledge about conservation priorities, ecological gaps, and endemism, diversity and rarity of species and habitats, and drawing on available lists of Key Biodiversity Areas and other such analyses.<sup>320</sup> Data describing ecosystem diversity and ecosystem functions should be combined with the above. Data on cultural diversity (e.g., linguistic diversity) and cultural values such as sacred sites and the traditional territories of indigenous peoples is also important in identifying valuable areas and, generally, should be considered in taking Aichi

314 CBD Decision VII.28, para 18, Kuala Lumpur, 2004.

315 CBD Decision X.31, Annex 1, Nagoya, 2010.

316 See Section 1.2 of this volume and Dudley, 2008. Note that this definition is not limited to government-established protected areas.

317 Davey, 1998.

318 Dudley, 2008.

319 Aichi Biodiversity Target 11 of the CBD Strategic Plan 2011-2020.

320 The term “areas of particular importance for biodiversity and ecosystem functions” is used drawing from CBD Aichi Target 11. These generally include Key Biodiversity Areas (Langhammer *et al.*, 2007), although a universally agreed standard for this concept is still to be reached (Stephen Woodley, Co-Chair IUCN WCPA Task Force on Biodiversity Outcomes, personal communication, 2012).

Target 18<sup>321</sup> into account. As far as possible, this information should have been assembled in Phase 2 of the process and organised spatially on a GIS with the possibility of generating digital overlays on a Google Earth image platform.

After mapping these APIs, the participants should identify those among them that appear effectively conserved either within officially designated protected areas or outside them (e.g., by voluntary and ancillary conservation measures). They should then identify those APIs whose biodiversity is suffering from active degradation or is at serious impending risk (i.e., facing damage and threats). The spatial analysis should be completed with a **spatial analysis of governance types for each of these APIs**, using the four main governance types. This will provide a broader picture of the **conservation status of all APIs**, both those within and outside the protected areas, and show what correlation exists between governance types and geographical and ecological features in the landscape/seascape.

Theoretically, the governance analysis could be applied to a region or an entire country, but a practical start should be made by focusing only on protected areas and APIs within a limited geographical area.<sup>322</sup> This will keep the exercise as manageable as possible and focus on conservation priorities.

321 Aichi Biodiversity Target 18 of the CBD Strategic Plan 2011-2020 states that “By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.”

322 For a large country, an initial national workshop may need to be followed by a series of regional ones.

In undertaking a spatial comparison of the governance types of protected areas against APIs, it is important also to identify if the decision-making processes associated with the protected areas accord with broadly-accepted criteria for good (equitable) governance (see Section 6). This can be done using various methodologies, including an analysis of case events, interviews and observations, or group exercises, such as the one proposed in Annex 2 to this volume.<sup>323</sup> From these steps, it is possible to draw some general conclusions and extract lessons relating to questions such as:

- Which areas are effectively conserved and which are threatened, and do these conditions correlate with governance type or quality?
- Could the governance of protected areas and APIs better fit the context at stake?
- Are there provisions in law regarding conservation and governance that could be better implemented? Should the legal framework for protected areas be improved?
- Could the quality of the governance of the system, and of sites within it, be improved?
- What recommendations can be drawn, and to whom should those be addressed?

The careful documentation of the information, problems, opportunities, questions, answers and uncertainties that will surface throughout the workshop is essential, as these will need to be referred to in the following steps of planning and implementing action.

323 Available at [www.iucn.org/pa\\_governance](http://www.iucn.org/pa_governance)

Table 9. **Framework for assessing and evaluating the governance of a system of protected areas**

Assessment		
Step	Key questions	Explanations/notes
Listing and mapping	What does the system of protected areas comprise? What scale maps allow a spatial view of the distribution of protected areas that best allow their analysis as a system?	This is basic information about the protected area system, also to be included in CBD national reports on the implementation of PoWPA. Different scale maps may be needed to appreciate different phenomena. See Section 8.1
History and culture	What are the origins of the conservation initiatives and related system of protected areas? How did the system develop? Have characteristic cultural traits and values played a role in conserving nature and developing the system of protected areas?	These questions can only be answered by in-depth analyses, but even a brief historical overview can help to set into perspective the range of phenomena and cultural conditions that supported or hindered the conservation of nature and the development of the protected area system. See Section 8.2
Actors and institutions	What actors and institution(s) were/are formally in charge of developing, coordinating and taking decisions about the system of protected areas? What actors and institution(s) would like to be involved and/or are ready to take on a role?	This is basic information about the protected area system, also to be included in PoWPA implementation reports and action plans. The analysis can also offer insights on the potential for governance innovation for the system. See Section 8.3
Conservation <i>de jure</i>	What legal framework (legislation as well as policy derived from legislation) regulates the governance of the protected area system and of individual sites? Does such a legal framework allow a variety of protected area governance types? Who can legally establish protected areas and take their key management decisions?	This question leads the workshop participants to investigate what is legally possible with respect to governance types of protected areas in the region or country under consideration. For example, can places that are conserved through traditional governance approaches be incorporated into protected area systems? See Section 8.4

<p><b>IUCN Protected Area Matrix analysis</b></p>	<p>What can we learn from situating all the protected areas in the system in the IUCN Protected Area Matrix? Is the distribution even or uneven? Are certain management categories or governance types under-represented? Are others missing entirely? Are there evident associations between certain management categories and governance types? Overall, how diverse does the protected area system appear to be in terms of management categories and governance types?</p>	<p>This analysis begins by checking that all the areas meet the IUCN definition of a protected area. Then it examines if the system takes full advantage of all IUCN management categories and governance types. If some rows or columns in the Matrix appear empty, it would be important to ascertain why, possibly in combination with step 4. The IUCN Protected Area Matrix analysis also reveals which protected area options have actually been adopted among those legally possible. See Section 8.5</p>
<p><b>Spatial analysis of governance for protected areas</b></p>	<p>Is there any clustering of governance types with specific geographic or ecological features (e.g., forests, national borders)?</p>	<p>This simply adds a spatial dimension to the preceding step, offering a picture of the distribution of governance types in the landscape/ seascape under consideration. See Section 8.6</p>
<p><b>Listing, mapping and conservation status of APIs</b></p>	<p>Can “areas particularly important for biodiversity and ecosystem services” (APIs) be listed and spatially identified on a map at the same scale of the map of protected areas compiled so far? Are there APIs under protected area status? Do such APIs appear effectively conserved? Are there APIs outside protected areas? Among the latter, are there some that appear effectively conserved (e.g., because of voluntary or ancillary conservation measures)?</p>	<p>This is basic information, needed to understand how complete the coverage of protected area is in terms of conservation requirements, and which APIs are effectively conserved outside protected areas. See Section 8.7</p>
<p><b>Active damage and risk analysis for APIs</b></p>	<p>Are there phenomena that currently damage or provide impending serious risks to the integrity of APIs? Can such phenomena be listed and spatially identified on a map at the same scale of the map of protected areas? Are there protected areas currently being damaged or under threat? Are there APIs currently being damaged or under threat?</p>	<p>This is basic information needed to understand current damage and threats. See Section 8.8</p>
<p><b>Spatial analysis of governance for APIs</b></p>	<p>Is there are clustering or association between governance types and important geographic or ecological features (e.g., forests)? Is any governance type preferentially associated with APIs that are encompassed within the protected area system? Is there any governance type preferentially associated with APIs that appear effectively conserved outside protected areas? Do any particular governance types tend to be associated with APIs that suffer from damage and threats?</p>	<p>Information is sought here on the governance types that contribute to conservation within and outside the protected area system. Part of this information will need to be included in CBD national reports on the implementation of PoWPA. The analysis will also shed light on the governance types that might be most associated with damage and threats. See Section 8.9</p>
<p><b>Governance quality</b></p>	<p>Does the country possess legal or policy provisions to ensure “good governance” in general and/or for protected areas in particular? How is the system of protected areas actually run? How legitimately, purposefully, effectively, accountably, fairly, and respectfully of rights?</p>	<p>Information is sought here on both existing legislation and policy and on whether the protected area system respects the IUCN principles of good governance for protected areas (see Table 8) See Section 8.10</p>
<b>Evaluation</b>		
<p><b>Governance options to strengthen conservation</b></p>	<p>Given the results of the assessment, what governance options exist to consolidate, strengthen and expand conservation? Can those options improve the effectiveness, efficiency, equity and acceptance in society of the system, and its resilience in face of change?</p>	<p>See Section 8.11</p>
<p><b>Legal options to recognise diverse governance types</b></p>	<p>Given the results of the assessment, would it be desirable for the legal framework currently in place for protected areas to embrace a wider variety of governance types, which may enable an expansion of protected area coverage and the strengthening of conservation in other ways?</p>	<p>See Section 8.12</p>
<p><b>Legal and other options to improve governance quality</b></p>	<p>Given the results of the assessment, what could be done to strengthen the legal and institutional framework currently in place for protected areas, so as to promote good governance and to ensure that they are run as legitimately, purposefully, effectively, accountably, fairly, and respectfully of rights as possible?</p>	<p>See Section 8.13</p>



Community members in the area of Mount Kilum (Cameroun) designed a map to discuss their governance and management practices for the local forest. © gbf, 1999.

## Assessment

### 8.1 Listing and mapping protected areas

**Step one: Specify what is meant by a “system” of protected areas in the region or country under consideration, obtain basic information on all the individual entries in the system and map them at a scale that allows their analysis as a system.**

The logical first step of the assessment is the definition of what is comprised in the system. A protected area system could include all the protected areas in a region or country, or some other sub-set, such as the protected areas found in a certain landscape or forming part of a given corridor, or all protected areas supported by a particular donor, assisted by a particular NGO, etc. Even when addressing a system of protected areas for a country, the first step is to decide what to include and what not to include, keeping in mind that not all areas and natural resources that contribute to conservation fit either the national definition of protected area or international definitions (e.g., by IUCN or CBD<sup>324</sup>). If the assessment addresses a *national system*, a good starting point will be the protected areas currently recognised by the national agency in charge, which would all ideally meet the IUCN definition of protected area.<sup>325</sup> Maps of such areas are usually available in the World Database of Protected Areas.<sup>326</sup>

<sup>324</sup> The IUCN definition is described and examined in detail in section 1.2 of this volume. For the CBD, a protected area is “a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives”. The IUCN and CBD definitions are fully compatible.

<sup>325</sup> IUCN recommends that countries undertake reviews to assess which areas meet the IUCN definition of a protected area; and which management category and governance type should be assigned to them (Dudley, 2008).

<sup>326</sup> See <http://www.wdpa.org/>

Every country has its own history and guiding legislation to draw from and many include sub-categories of protected areas, such as areas recognised and supported directly by the federal or national government (e.g., national parks), areas recognised and supported by regional or municipal governments (e.g., regional natural parks), private protected areas, indigenous protected areas, etc. Several countries have adopted the IUCN guidance on management categories in their national legislation,<sup>327</sup> and some have already done so also for the case of governance types.<sup>328</sup> In other cases the “system” is less straightforward, with a number of formally recognised protected areas, possibly well-supported technically and financially, but others with unclear formal recognition and uncertain support.

Both a list of all the areas in the system and a map of their spatial distribution vis-à-vis the key biomes and ecosystems are necessary to carry out a system-wide governance assessment. For example, a map of the distribution of protected areas reveals whether the areas themselves are clustered in one main biome or broadly representative of various biomes, whether they are isolated or biologically connected, etc. For a large country, maps at different scale will be necessary to appreciate different features and relationships among the protected areas. Existing gap analyses studies may be available and particularly useful for to check the results of this step.

As noted in Section 7.4, all protected areas in the system and other spatially referenced features should be available in a computer-based GIS with the possibility of generating overlays on a Google Earth image platform with standards obtained from UNEP-WCMC.<sup>329</sup> The work should have been prepared

<sup>327</sup> Bishop *et al.*, 2004, page 20.

<sup>328</sup> Ministry of Environment of Ecuador, 2012.

<sup>329</sup> See also <http://protectedplanet.net/>



in Phase 2 of the process, so that in Phase 3 the information is ready for further analysis and use. For instance, it should be possible to generate maps including all protected areas, all APIs and the overlap between them.

The official protected area system is neither likely to include all areas that *are* effectively conserved nor all those that *should* be conserved in the region or country. It can thus be safely assumed that the official coverage of protected area in the map will not perfectly coincide with “areas of particular importance for biodiversity and ecosystem services” (APIs) nor with such areas that appear to be effectively conserved. All country-specific definitions of what constitutes a protected area leave out some areas that are important for biodiversity and contribute to conservation. This was recently recognised by the CBD Parties, who stated that they aim to expand and consolidate the coverage of protected areas but also of “other effective area-based conservation measures”.<sup>330</sup> The extent to which the latter are, could, or should be incorporated into a national system differs between countries and regions but has, in all cases, an important influence on how the system can or should be governed. Likely, some APIs will also be found as not being effectively conserved, or facing a risk of degradation.<sup>331</sup>

## 8.2 History and culture

### Step two: Examine the history of conservation and the cultural traits and values that played a role in the development of the system of protected areas.

The task is to identify and understand the unique historical and cultural traits, including customary knowledge, practices, institutions and values, that nourished conservation in the territories and areas that are now part of the protected areas system. Do they still contribute to conservation? Are those positively combining with on-going innovations and change? The participants in the assessment will need to retrace the development of the protected area system from the outset. For that, a specific report could be commissioned during Phase 2 of the process and delivered at the workshop in Phase 3. Participants could discuss a number of questions:

- Who was involved in developing the system of protected areas as it exists today?
- Who played in the past, and who plays today, a role in deciding what is or is not included in the system?
- What interests and concerns played a role in that?
- Are the cultural traits and values characteristic of the relevant nation and peoples highlighted by the recognition of individual sites as protected areas?
- Are their customary institutions, local knowledge and skills, stories, language and local names respected and upheld?
- Are the connections between certain natural features and local identity recognised and supported?

- Is local pride in being able to conserve some wonders of nature being nourished, in particular among the youth?
- What are the most common reasons for new sites to be included in the system?

Questions such as these can only be answered by in-depth analyses, but even a brief historical and cultural overview will help to set into perspective the range of phenomena and conditions that support or hinder conservation of nature and the development of the protected area system.

The idea of placing an area of land or sea under a special regime— from total seclusion and protection to controlled and regulated use— has a long history and has been widely adopted throughout the world. For hundreds of years, indigenous and local communities, kings and rulers, aristocrats, priests and shamans have set up what we would now call “conservation regimes”, with rules regulating or forbidding access to natural resources. The history of protected areas formally designated by sovereign States is much more recent, although many such formal protected areas overlap with, and incorporate, places that were already conserved by indigenous peoples, local communities or private landowners. In some such cases, the customary governance institutions and management systems were replaced by centralised institutions, at times leaving behind painful memories of violence, expropriation and injustice.<sup>332</sup> In other cases, protected areas fully recognise the traditions and institutions of crucial importance for the culture and sense of identity of the people. And, still in other cases, the protected area has survived due to local communities and their governments working together to protect land and resources of conservation value from developers and speculators, or to recover them through restoration and management initiatives. Whatever the history, it is important to take it into account in assessing the governance of each protected area and of the overall system.

The wider political, economic and administrative history of a country as a whole is also fundamental in understanding its conservation legislation and practice. This may be dramatically affected by broad, historical trends such as: the unification of States (e.g., Germany), the break-up of formerly larger States into new, smaller ones (e.g., Sudan or Yugoslavia), processes of independence from colonial powers (e.g., Mozambique) or major political and constitutional transformation (e.g., South Africa or the former Soviet Union). The effects of such processes on protected area legislation and official conservation practices are usually well documented, but their impact on conservation by interests other than the government is less well understood. Understanding the history of what pre-existed protected areas and made biodiversity thrive in specific locations (so much so that protected areas were created to maintain it) needs patient reconstruction from a variety of accounts.<sup>333</sup>

History and culture provide essential background to governance assessment and analysis as they shed light on

<sup>332</sup> Colchester, 2003.

<sup>333</sup> In some cases, most written history about the phenomenon is found in colonial accounts and interpretations. For instance, the “conservation movement” in Africa took root among an elite patrician network of white men from Western industrialised countries around the turn of the 19th Century (Adams, 2004).

<sup>330</sup> Aichi Biodiversity Targets 2011-2020, CBD Decision X.2, Nagoya, 2010.

<sup>331</sup> More on this in steps 8.7 and 8.8 below. See also Langhammer *et al.*, 2007

**Table 10. Listing actors and institutions involved (or willing to be involved) in governing a system of protected areas<sup>334</sup>**

Actors and institutions with direct responsibilities in protected area management* (name and sector**)	The actor or institution is hierarchically subordinated to: (name)	Their responsibilities include: (please tick the box where applicable)									Comments/ additional explanations (concerning specific role & responsibility)
		Finances protected area management	Defines strategy, initiates designation	Approves designation	Elaborates management plans	Approves 5-10 year management plans	Manages protected areas (day-by-day decisions)	Evaluates outcomes & performance	Surveillance, control	Other responsibilities (please list/explain)	
<b>NATIONAL LEVEL</b>											
.....											
...add lines as needed...											
<b>REGIONAL LEVEL</b>											
.....											
...add lines as needed...											
<b>LOCAL LEVEL</b>											
.....											
...add lines as needed...											

\* Non-governmental actors (NGOs, private companies, individuals) should be considered as well. If multi-stakeholder bodies/ administrative structures exist (e.g., Consultative Councils, advisory bodies, working groups), they should be listed.  
 \*\* Refers to the field of activity in which the respective institution is engaged (e.g., environment, forestry, water, agriculture, tourism).

the processes by which a conservation system has evolved and continues to evolve today. An understanding of this kind will help explain customary institutions and rules for land and water management, cultural behaviours affecting nature, spiritual and religious values and other nature-related stories, legends, rituals, names etc. The conservation importance of these institutions and rules, which are often resilient in the face of socio-cultural change, is specifically recognised in CBD articles 8j and 10c and in CBD Aichi Target 18.<sup>335</sup>

### 8.3 Actors and institutions

#### Step three: Identify the main actors and institutions involved in governing the system of protected areas, and those not involved but claiming a role and willing to be involved.

In the governance assessment of the system of protected areas, it is essential to appraise the spectrum of national to local holders of authority and responsibility, and their contributions to a coherent and effective system of protected

areas.<sup>336</sup> Tools such as Table 10, developed as part of a protected area governance study in Eastern Europe, can assist researchers to analyse the role of the actors and institutions involved at different levels. It should be possible to identify a particular Ministry, Agency or other body which is ultimately in charge. For instance, in Finland the State-owned agency Metsähallitus has a specific branch in charge of all protected areas in the country.<sup>337</sup> In France, a new body was created in 2006, presided over by an elected official, to deal with all matters concerning the National Parks in both the metropolitan and oversea territories.<sup>338</sup> In the USA, the National Parks Service is a Bureau of the Department of the Interior. The Bureau collaborates with Indian tribes, State and local governments, non-profit organizations, private citizens and other partners, but its director is the sole authority in charge of the federal system of protected areas. In Ecuador, the national protected area system includes i) a component directly run by the government; ii) an autonomous decentralized component; iii) a community-governed component; and iv) a private component – thus mirroring the four governance types recognised by the IUCN. The Ecuadorian National Directorate for Biodiversity of the Ministry of the Environment is responsible for implementing PoWPA and coordinating the four components.<sup>339</sup>

334 Adapted from Stanciu and Ionita, 2013. This format to organise various levels of involved actors and institutions can be adapted to the context and examined in view of subsidiarity: what responsibilities could most effectively and efficiently be taken at what level?

335 Aichi Target 18 foresees that, by 2020, the traditional knowledge, innovations and practices relevant for the conservation and sustainable use of biodiversity and customary use of biological resources will be respected and integrated in the implementation of the Convention (CBD Decision X.2, Nagoya, 2010).

336 See section 2.2.

337 Another branch of the same agency is in charge of supplying wood for the country's forest industry.

338 The administrative body, called Parcs Nationaux de France, is assisted by several Committees. There is no overall structure, however, that links that body to Regional Natural Parks and other institutions that have a bearing on conservation overall.

339 Ministry of Environment of Ecuador, 2012.

The CBD National Profile on the Implementation of PoWPA<sup>340</sup> asks questions about the lead agency responsible for the national protected area system. Logically, a lead agency should have authority and responsibility in coordinating, overseeing and harmonising the functioning of protected areas as an effective system. In some countries, however, reporting and decision-making responsibilities are not entirely clear and/or there are discrepancies between what is intended *de jure* and what happens *de facto*.<sup>341</sup> This is most often the case when a variety of government agencies (e.g., forestry agencies, universities, tourism authorities, municipal governments) can declare and manage protected areas. Lack of clarity in authority and responsibility for the overall coordination of a system that has multiple components may be a main reason why many protected areas continued to be managed as “islands”, poorly connected with their landscape/seascapes and not functioning as part of a wider national or sub-national system of protected areas. In such cases, the word “system” cannot really be applied to describe the sum of all protected areas.

CBD Parties have been invited to develop multi-sectoral committees to advise and assist the national leading agency in charge of their systems of protected areas. Not all CBD Parties have yet developed such a committee, although many report to have done so.<sup>342</sup> Too often, however, the committee includes few, if any, civil society organisations. More commonly, it includes a range of governmental agencies, some bilateral and multilateral cooperation agencies and some conservation NGOs. In a few cases (e.g., Angola, India) it includes only governmental agencies. In others (e.g., Kyrgyzstan, the Philippines) it includes governmental agencies and representatives of university and research bodies nominated by the government and/or some business representatives (e.g., Egypt, Laos). In only a few cases (e.g., Solomon Islands, Sudan, and Trinidad and Tobago) do the listed members include representatives of local communities living in and around protected areas.

The governance assessment should ask whether the rightsholders and stakeholders that are affected by protected areas are fairly represented in the bodies and agencies that oversee the protected area system. If not, they may be able and ready to do so; and in particular, there may be scope to involve sectors that are often excluded from decision-making about protected areas, such as women, the youth, indigenous peoples, and rural communities. Engaging representatives of civil society in the protected area multi-sectoral committee, and involving that committee in the governance assessment and evaluation process, is a sure way to promote citizens’ involvement in the implementation of the PoWPA.



Land ownership and use rights are important determinants of governance. © gbf, 2007.

## 8.4 Governance *de jure*

### **Step four: Specify the governance types that can be recognised *de jure* for the individual protected areas within the system.**

National legislation and policies are an obvious point of departure for this step of the assessment, and it should be possible to identify the type of authority and responsibility that is legally recognised for protected areas. Note that marine and terrestrial environments are often subjected to different legal regimes and a system of protected areas should be able to deal with their interplay and any potential conflicts between them. Even within the same biomes, the boundaries of governance across legislative instruments and agencies may not always be clear and what happens on the ground may not always reflect the legal intention. So it is important to consider the *de facto* influence that different institutions and social actors may play.

As noted in Part I of this document, four governance types of protected areas are recognised by the IUCN. The analysis thus addresses here whether the relevant legislation (e.g., protected area law and/or environmental law) and policies of the country are geared for the recognition of all such governance types. It was noted in Part I that Types C and D, i.e., the areas conserved because of the will of their landowners and caretaker indigenous peoples and local communities,<sup>343</sup> can exist independently of government recognition and support. In

340 CBD Decision X.31, Nagoya, 2010.

341 See section 1.4.

342 Many such reports are available at <http://www.cbd.int/>

343 Lausche, 2011.

Table 11. **The IUCN Protected Area Matrix for the system of terrestrial protected areas in Albania**<sup>344</sup>

Governance type	A. Governance by government			B. Shared governance			C. Private governance			D. Governance by indigenous peoples & local communities	
	Federal or national ministry or agency in charge	Sub-national ministry or agency in charge	Government-delegated management (e.g. to an NGO)	Transboundary governance	Collaborative governance (various forms of pluralist influence)	Joint governance (pluralist governing body)	Conserved areas established and run by individual landowners	...by non-profit organisations (e.g. NGOs, universities)	...by profit organisations (e.g., corporate landowners)	Indigenous peoples' conserved areas and territories – established and run by indigenous peoples	Community conserved areas and territories – established and run by local communities
I a. Strict Nature Reserve											
Ib. Wilderness Area											
II. National Park											
III. Natural Monument											
IV. Habitat/ Species Management											
V. Protected Landscape/ Seascape											
VI. Protected Area with Sustainable Use of Natural Resources											

some countries, such voluntary governance types can be fully recognised as part of the country's protected area system. In others, there is still no legal option to do so. And, in others again, the situation may be fluid and subject to interpretation. Where official recognition is not available, voluntary protected areas could still be considered to contribute to the national PoWPA and count for the purposes of CBD Aichi Target 11<sup>345</sup> as "other effective area-based conservation measures".

As for Step 8.2, a report should be commissioned on the legal framework for protected areas during Phase 2 of the process and delivered at the workshop in Phase 3. The workshop would then provide an excellent occasion to open up a dialogue regarding possible modifications of legislation and policy that would allow the formal recognition of voluntarily conserved areas and measures to recognise and secure the contributions of ancillary conservation under a variety of governance regimes. This could mean recognising such areas as protected areas, where they meet the IUCN definition, or providing them with other supportive measures. In general, it would be useful to determine whether existing legislation and policy can explicitly provide some form of recognition and support to:

- shared governance of protected areas (see Section 3.2 for details);
- privately conserved areas (see Section 3.3 and Section 5 for details);
- customary governance systems of indigenous peoples and local communities concerning their conserved territories, areas and natural resources (see Section 3.4 and Section 5 for details);
- ancillary conservation (see Section 5).

## 8.5 IUCN Protected Area Matrix analysis

**Step five: Confirm that all protected areas in the system meet the IUCN definition and then associate a governance type and management category with each of them, and situate them in the IUCN Protected Area Matrix.**

In most cases the areas in the system will have already been examined to establish if they conform to the IUCN definition of a protected area. But if this has not been done, the first task is

<sup>344</sup> Ardit Konomi, personal communication, 2012.

<sup>345</sup> CBD Decision X.2, Nagoya, 2010.

Table 12. Management categories versus governance types for the system of marine and coastal protected areas in Ecuador<sup>346</sup>

Tipos de gobernanza	A. Gobernanza por parte del Gobierno			B. Gobernanza compartida			C. Gobernanza privada			D. Gobernanza por parte de pueblos indígenas y comunidades locales	
	Ministerio o Agencia federal o nacional a cargo	Ministerio o Agencia subnacional a cargo	Gestión delegada por el gobierno (por ej., a una ONG)	Gestión transfronteriza	Gestión colaborativa (diferentes formas de influencia pluralista)	Gestión conjunta (consejo de gestión pluralista)	Declarada y administrada por propietarios individuales	... por organizaciones sin ánimo de lucro (por ej., ONGs, Universidades)	... por organizaciones con ánimo de lucro (por ej., propietarios corporativos)	Áreas y territorios conservados por pueblos indígenas – establecidos y administrados por pueblos indígenas	Áreas y territorios conservados por comunidades – declaradas y administradas por comunidades locales
Reserva Ecológica		1, 11				14					
Parque Nacional		7									
Refugio de Vida Silvestre		2, 4, 5, 6, 9, 13									
Reserva de Producción Faunística		10				8					
Reserva Marina		3 (?)	Reclamo para	un modelo	de co-manejo	15					
Área Nacional de Recreación		12									
Acuerdo de usos del manglar											16
Reservas Pesqueras		17, 18									

to confirm that each area does meet the definition. IUCN has provided comprehensive advice on how to do this.<sup>347</sup> As this is done, it should be possible to identify an IUCN management category and a governance type for each protected area in the system. Uncertainties and differences of opinion are likely to surface,<sup>348</sup> and some iterations may be needed while missing information is obtained or differences of view are resolved. To assign a governance type, it is necessary to establish who has the authority, responsibility and accountability to take the most fundamental decisions, such as establishing the area as protected and deciding its key objectives, management plan and zoning. For many protected areas, the exercise should be rather straightforward. Each can then be situated in the IUCN Protected Area Matrix. It may be useful to carry out

the exercise separately for terrestrial and coastal and marine protected areas, filling two matrices. When many protected areas are involved, it may also be practical to prepare a matrix for each region rather than only one for the whole country.

Table 11 illustrates the results of the exercise for the terrestrial protected area system of Albania. Table 12 presents a similar exercise for the marine and coastal system of Ecuador, but uses a national classification rather than the IUCN categories. In both cases the completed matrix is unevenly populated.

Once the exercise is completed, it becomes apparent which parts of the IUCN Protected Area Matrix are well populated and which are empty or nearly empty, thus showing which governance types are actually *adopted* as part of the system. The exercise may also reveal which governance type is associated most frequently with certain types of areas and resources (e.g., small and iconic natural monuments; extensive and economically valuable resources; only terrestrial or only coastal and marine areas).

346 Adapted from Gravez et al., 2011. Please note that the management categories do not exactly correspond to those of the IUCN. The numbers in the Matrix refer to specific protected areas described in the document.

347 See Dudley, 2008, pages 8-10.

348 The IUCN is developing standards on the process for recognising protected areas and assigning management categories and governance types (Peter Shadie, personal communication, 2012).



**Figure 8. Map of natural protected areas and other areas destined to preservation, sustainable use and restoration of biodiversity in Mexico.** Different colours denote different types of areas, with some directly associated with governance types, such as Federal protected areas, National protected areas, community conserved areas, and private protected areas. (Bezaury-Creel *et al.*, 2011).

The more uneven the distribution across the IUCN Protected Areas Matrix, the more important it is to understand why this is the case.<sup>349</sup> Once the exercise is complete, the workshop participants may be asked to find answers to questions such as:

- If some columns are entirely empty, is it because the main actor behind that governance type (e.g., the private sector for Type C, or communities and indigenous peoples for Type D) is not engaged in conservation?
- Or is it that such governance type cannot be recognised under existing legislation and policy (see Step 4)?
- Or is it because no appropriate incentive has been offered so far?
- Or is it because the concerned actors do not know about the opportunity and implications of having an area recognised as protected?
- Or is it because the concerned actors do not wish their areas to be recognised as part of the official protected areas system?

Answers to such questions may generate ideas for improving the comprehensiveness and diversity of the system.

## 8.6 Spatial analysis of governance for protected areas

### Step six: Use the map of protected areas to distinguish the governance types and identify their distribution patterns and associations.

The workshop should identify the governance types represented within the system on the map of protected areas. One map with all governance types represented with different symbols or colours and several maps, each containing only one type of governance, could then be generated and compared. The comparison should bring to light any geographical pattern that exists and reveal whether different governance types are associated with certain natural features (e.g., forests, mountains, marine areas) or socio-economic characteristics (e.g., the richest regions, the least populated areas, the areas furthest from major transport routes, the areas next to national borders).

<sup>349</sup> While the participants in the governance assessment workshop may also wish to discuss management categories, they should focus preferentially on governance types.



Figure 9. Governance types A, B, C and D and other conditions (e.g., presence of a multi-party Board, existence of a management plan) for coastal and marine protected areas of Ecuador (Gravez et al., 2011). Here letters and symbols are used rather than colours.

These kinds of maps are now being prepared in some countries, such as Mexico (see Figure 8), though they seem easier to use when the information on them is not too crowded.<sup>350</sup> A computer programme that creates maps with one or a few features at a time would greatly help in the analysis. Figure 9 illustrates another way in which various governance types and other management characteristics can be shown, i.e. symbols are used, rather than colours, to indicate the different governance characteristics of each site.

## 8.7 Listing, mapping and conservation status of APIs

**Step seven: Identify and map “territories and areas of particular importance for biodiversity, ecosystem functions and other associated values” (APIs) for the region or country under consideration and examine both their overlap with protected areas and their conservation status.**

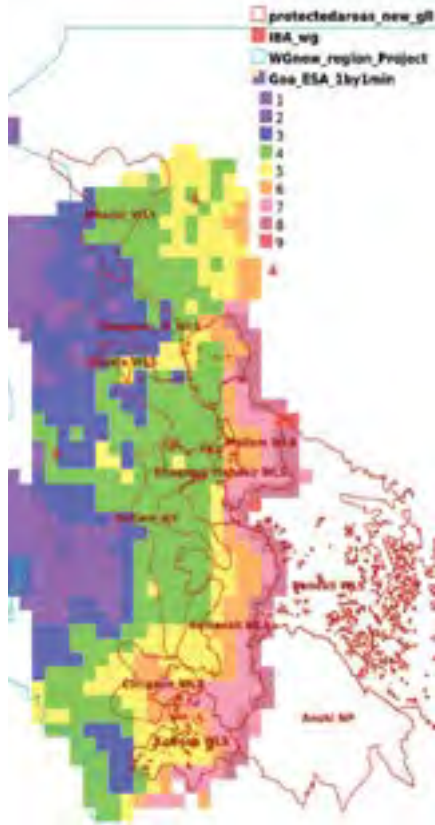
A range of information will have been assembled during Phase 2 of the process, and should be made available in Phase

3 for analysis. This information should record biodiversity, ecosystem functions and other associated values that exist in the area under consideration, both within and outside the protected area system. The information should pull together existing lists and maps of Key Biodiversity Areas,<sup>351</sup> Important Bird Areas, Important Plant Areas, Prime Butterfly Areas, Important Mammal Areas, Important Sites for Freshwater Biodiversity, habitats of species listed as endangered in the IUCN Red List, etc. Data regarding distribution of endemic species and/or globally threatened species would be particularly valuable, including unique nesting and feeding sites and maps of major biomes and representative ecosystems, as well as connectivity corridors.<sup>352</sup> Lists and maps of groundwater, watersheds and wetlands, coral reefs, spawning grounds and other features essential for ecological functions as well as valuable landscapes/seascapes and natural features are also important. Finally maps and other information on cultural values are required. For example, data on cultural and linguistic diversity and data on the territories of both sedentary and mobile indigenous peoples will help identify areas where ecological and cultural values appear to overlap.

<sup>350</sup> Including on the same map all the information on numerous governance types and subtypes (e.g., ecosystem-related subtypes or international designations not uniquely related to governance types, such as Ramsar sites or biosphere reserves) may make it too complex to be useful.

<sup>351</sup> See Langhammer, et al., 2007 and other references therein.

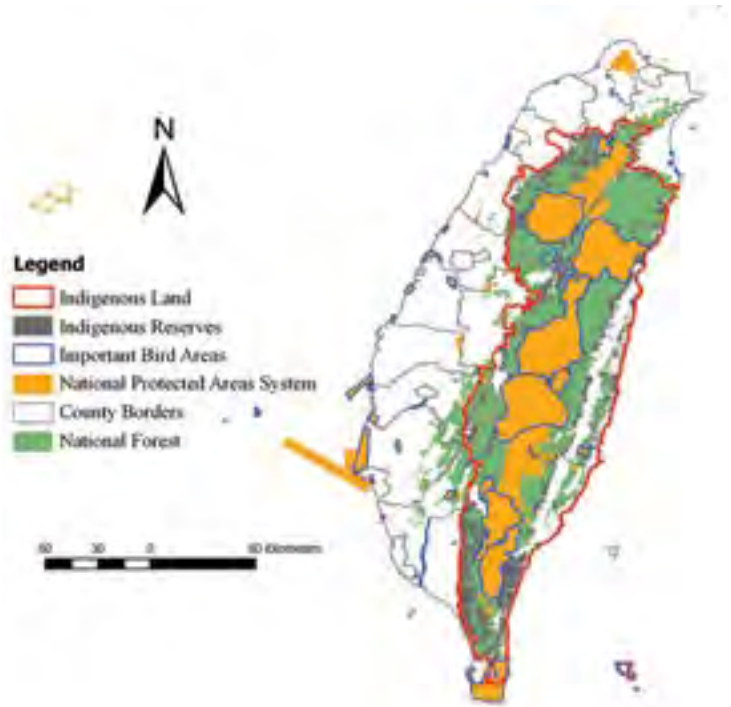
<sup>352</sup> Bennet, 1999.



**Figure 10.** Grids of different colours to characterize areas of different ecological sensitivity and value in Goa, one of the regions in the Western Ghats of India (increased sensitivity from violet blue to green, yellow and red). Protected area borders are drawn in red. (Ministry of Environment and Forests of India, 2011).

The boundaries of APIs need not be mapped with great precision in exercises of this kind, but can simply be assigned grades on a grid superimposed on a map of the territory that includes existing protected areas, as had been done for the Western Ghats in India (see Figure 10). Such rapid approaches are gaining recognition<sup>353</sup> and can be useful in developing land use plans broadly compatible with the conservation of ecosystems, species and associated values.

Often, APIs are found to overlap with protected areas (some protected areas may actually have been designed to coincide with APIs: see Figure 11). But almost certainly other such areas will fall outside them, even if they have been identified through gap analyses and other tools of conservation planning.<sup>354</sup> For example, many Key Biodiversity Areas shown on the Biodiversity Plan of Central Karoo (South Africa) are outside protected areas (see Figure 12); in this case, once it became clear that much precious biodiversity was



**Figure 11.** The overlap among forested areas, Important Bird Areas, the National Protected Areas System, the Traditional Territories of Indigenous Peoples (mostly unrecognised by the government) and the Indigenous Reserves in Taiwan, Province of China (agreed by the government as areas where indigenous peoples have some territorial rights). Map prepared in 2013 by Dr. Huei-Chung Hsiao with help from Sutej Hugu and data from the Centre for GIS of the Research Centre for Humanities and Social Sciences of the Academia Sinica of Taiwan; the Council of Indigenous Peoples, Executive Yuan; the Geography Department of the National Taiwan University; and the Wild Bird Federation of Taiwan.

unprotected, laws were passed to enable land-owners and managers to cooperate in conserving biodiversity.<sup>355</sup> The participants in the workshop should first examine the overlap between protected areas and APIs, and ask whether protected areas effectively conserve the latter.

They should then assess whether APIs are effectively conserved outside protected areas. It may not be easy to determine whether this is the case. A crude measure of ecosystem health may be obtained through Google satellite imagery, or through reports and maps of areas described in the literature as neither degraded nor particularly vulnerable or under threat. Ideally, however, local studies and recent “ground truth” observations will also be used. There are many reasons why effectively conserved areas may go unrecognised, or are not included in the protected areas system. They should however be identified and mapped, as they contribute to overall conservation efforts.

<sup>353</sup> See IUCN Resolution 5.037 approved by the Vth World Conservation Congress, Jeju (Korea), 2012. In a similar vein the European Union is promoting a “green infrastructure” throughout the Union.

<sup>354</sup> See Jennings, 2000; Margules and Pressey, 2000; Langhammer et al., 2007. Examples for South Africa are illustrated in Sandwith et al., 2009 and Cadman et al., 2010.

<sup>355</sup> See Cadman, et al., 2010. In the Cape Floristic Region of South Africa land-ownership and governance is very varied, and often so at the fine scale. Conservation planning methods, nevertheless, identified priorities across the landscape and defined broad conservation corridors. To secure the integrity of such corridors, multi-stakeholder forums conducted area-wide planning, enabling core areas and linkages to be agreed among diverse conservation, agriculture and development interests. Multi-stakeholder bodies were also set up to help rightsholders and stakeholders to cooperate at the landscape scale.



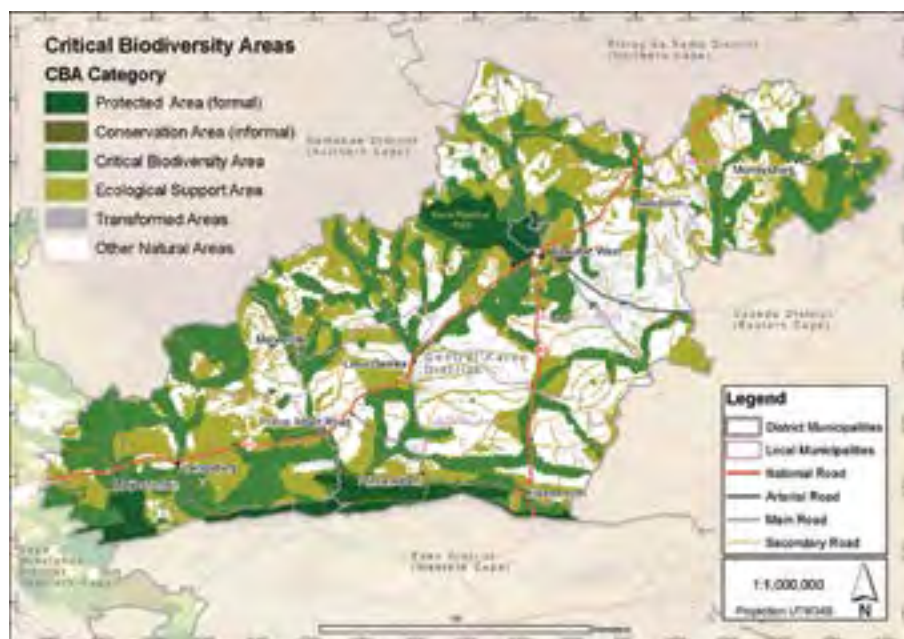


Figure 12. A mosaic of identified conservation priorities, formal and informal protected areas and land uses identified as part of the Central Karoo Biodiversity Plan, South Africa. (Cadman et al., 2010).

## 8.8 Active damage and risk analysis for APIs

### Step eight: In the spatial map of APIs, identify and map phenomena that currently damage or threaten biodiversity, ecological functions and associated values.

There are many well documented threats to nature: pre-eminent are habitat change, over-exploitation, pollution, invasive species and climate change.<sup>356</sup> Sometimes these already damage natural areas; sometimes they loom on the horizon. Understanding whether and how these phenomena relate to governance issues is an essential part of the governance assessment.

Data to assess damage and threats can be gathered from land use maps, which show current and intended use for urban development, agriculture, forestry, transport infrastructure, industry and mining.<sup>357</sup> Google satellite imagery, existing literature and direct observation can add to that. And more information on impending threats can be gathered from local, regional and national development plans (e.g., infrastructure development, settlement plans) and from maps detailing the concessions signed by governments at different levels (e.g., for timber, for exploration and exploitation for oil, gas and mining, and major fisheries agreements). As for other preceding steps, data would best be collected and digitised in Phase 2 of the process.

Data describing active damage or serious impending risk needs to be mapped at the same scale as the maps of protected areas and APIs, so that overlays can be generated.<sup>358</sup> In addition, over-arching threats may exist, such as sudden political change (e.g., the opening up to private investors and developers that followed the fall of communist regimes in Eastern Europe) and climate change. The initial associations rapidly identified through overlays may not be complete or precise, but they will still help to identify areas that cannot be considered as effectively conserved.

The workshop participants should investigate whether there are APIs, both within and outside protected areas, that are currently being damaged or under threat. This exercise should throw some light on the comparative conservation effectiveness of protected areas and other area-based measures. APIs that are affected by damage and threats should of course be prime targets for restoration and active protection, for instance through local action or specific policies. An exercise in India along the lines of steps 6, 7 and 8 here led to recommendations of this kind.<sup>359</sup>

The maps generated through the exercise can be used as powerful lobbying tools for conservation and human rights. An example is illustrated in Figure 13, one of many maps to illustrate how mining concessions in the Philippines appear incompatible with ecosystem functions and the conservation of local biological and cultural diversity.

356 SCBD, 2010.

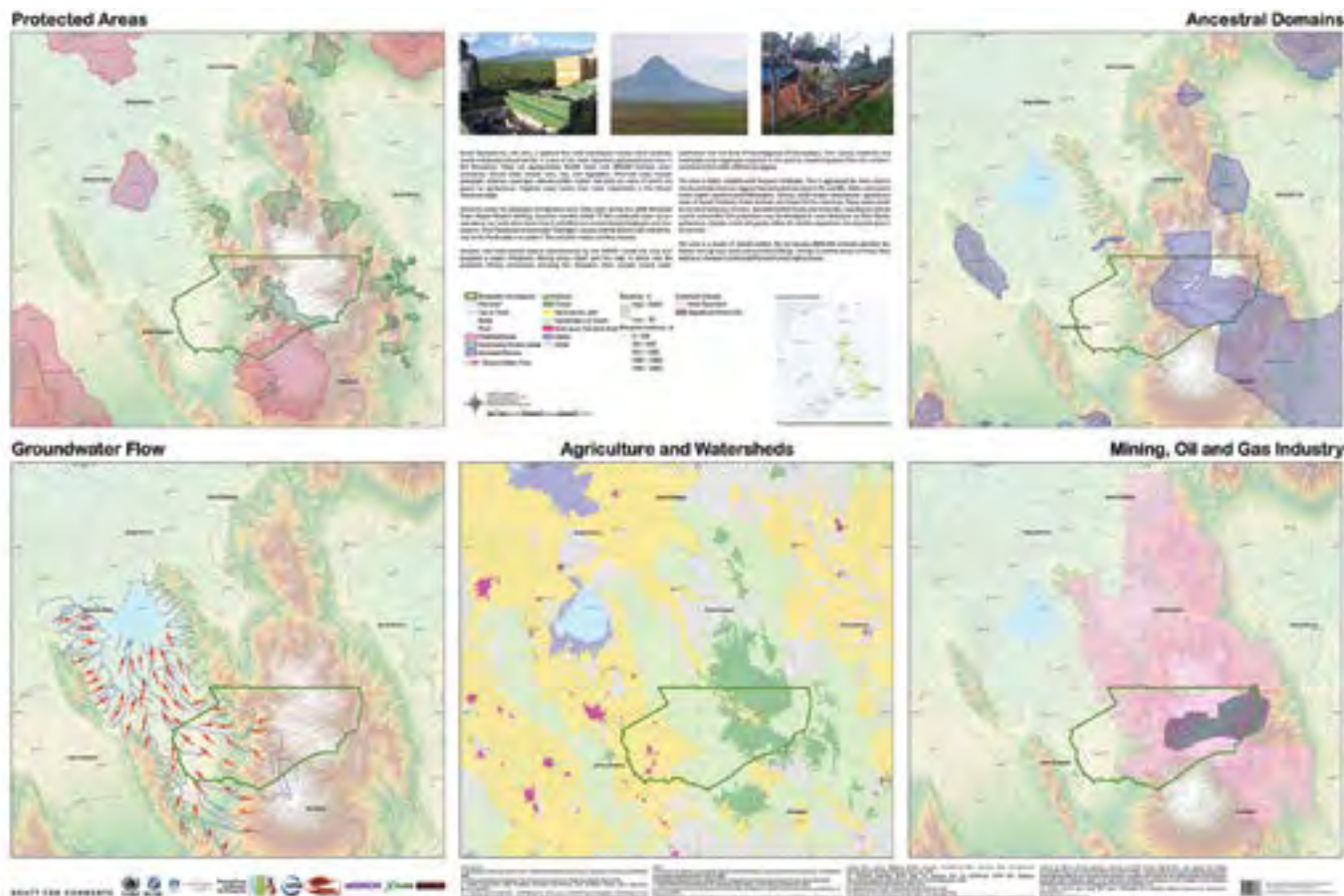
357 One should always check that the land use maps reflect real land use and not planned land use.

358 A methodology to assess site-based vulnerability for Important Bird Areas has been developed by BirdLife International on the basis of a list of threat classes such as: agricultural expansion and intensification; residential and commercial development; energy production and mining; transportation and service corridors; natural system modification; pollution and others. Site-based vulnerability is determined on the basis of a combination of assessed timing, scope and severity of threats (BirdLife International, 2006).

359 Ministry of Environment and Forests of India, 2011.

**Sustainable Development and Extractive Industries in Tampakan, South Cotabato, Philippines**

Highlighting environmental impact and potential threats to biodiversity



**Figure 13.** One of the posters in a series that illustrates overlaps between incompatible land uses, such as mining and watershed conservation to provide water for food production (series prepared and diffused by Kail Zingapan and Clive Wicks; see also Goodland and Wicks, 2008).

## 8.9 Spatial analysis of governance for APIs

**Step nine: On the map of APIs, distinguish the governance types, and identify the distribution patterns and associations that may emerge.**

The governance assessment for a protected area system needs to be complemented by a similar assessment for places outside the system, in particular for APIs. This analysis can be challenging as governance data are often difficult to assemble and may vary at a fine scale. However, a first approximation analysis can be made on the basis of land ownership and other tenure and use data, such as land owned by the State, demarcated territories of indigenous peoples, community forests and municipal land. Using ownership, tenure and other information relating to the exercise of control over resources, it should be possible

to ascribe to such valuable areas one of the four broad governance types adopted for protected areas. Thus Type A could be selected if the area is under sole government control, such as a national forest; Type B if it is owned by the national government but occupied and used by various rightsholders and stakeholders; Type C if it is privately owned; and Type D if it is an indigenous territory or under the collective control of a local community, irrespective of ownership. A colour-coded grid or different symbols could be used to superimpose this information on each API.

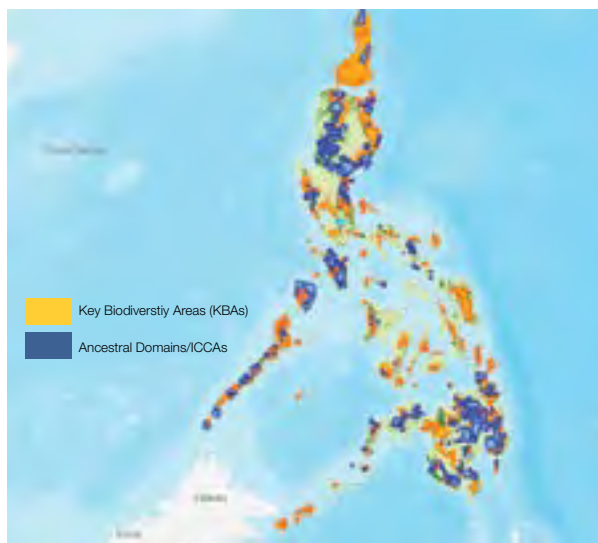
The next step is to establish whether the governance types applicable to such areas appears to correlate with any other characteristics (e.g., being close to a national border; being in a sparsely inhabited area; being formally protected; being well conserved; being under threat). Is any governance type preferentially associated with effective conservation of APIs within the protected area system? Is any governance type preferentially associated with those that appear effectively conserved outside protected areas? And generally is any governance type better at protecting natural values from damage and threats?



**Figure 14.** Key Biodiversity Areas and Important Bird Areas mapped for The Philippines (Lim, 2012).



**Figure 15.** Key Biodiversity Areas and Important Bird Areas in The Philippines overlaid with parks and protected areas (Lim, 2012).



**Figure 16.** Key Biodiversity Areas and Important Bird Areas in The Philippines overlaid with Ancestral Domains of indigenous peoples (Lim, 2012).

Analyses of this kind in the Philippines revealed that a large part of Key Biodiversity Areas in the country is included in the Ancestral Domains of its indigenous peoples (see Figures 14 to 16), and identified the effective role of these domains in ensuring the integrity of watersheds and waterways.<sup>360</sup> This convinced the Government that Ancestral Domains (4.3 million hectares) are essential for the conservation of Key Biodiversity Areas in the country (10.6 million hectares)— conservation that could not possibly be achieved by official protected areas alone.<sup>361</sup>

The workshop participants should discuss their findings in detail because this is the moment at which many interesting insights may emerge. For instance, some large, effectively conserved natural areas outside protected areas may be under military “no-go” regulations enforced for security reasons, and biodiversity may be thriving there as an unintended consequence of isolation and lack of use. Others may be included in the territories of indigenous peoples and run collectively by their customary institutions. For some large ecosystems, such as a major waterway, many institutions and social actors may have agreed on management purposes and regulations that have ancillary conservation results. Others may be under private or community ownership, with conservation resulting from effective surveillance, or careful exploitation of economic potential (e.g., in conservancies, group ranches and private reserves). Still others may have been acquired by NGOs specifically to be managed for conservation.

The questions to understand are:

- **Who governs the APIs?**
- **How are they governed?**
- **Is that governance associated with effective conservation?**

Much information may come to light from examining the situation of the territories of indigenous peoples, which often have important overlaps with both APIs and protected areas. Figure 11 illustrates this well for the case of Taiwan (Province of China), where the overlap is remarkable. There is no legal recognition of indigenous territories, however, but only of the less important “indigenous reserves”.

In the next page, Figure 17 illustrates the overlaps between the areas under the collective governance of indigenous peoples (Tierras Comunitarias de Origen, or TCOs) and the national system of protected areas of Bolivia. The TCOs generally include high biological and cultural/linguistic diversity within but also outside official protected areas.

<sup>360</sup> Giovanni Reyes and Dave de Vera, personal communications, 2012.

<sup>361</sup> Lim, 2012. The Philippines National Integrated Protected Areas System is supposed to include 3.5 million hectares but, of those, less than a million hectares have actually been legislated for. The maps in the figures 14, 15 and 16 are kindly provided by Dave de Vera and Kail Zingapan.

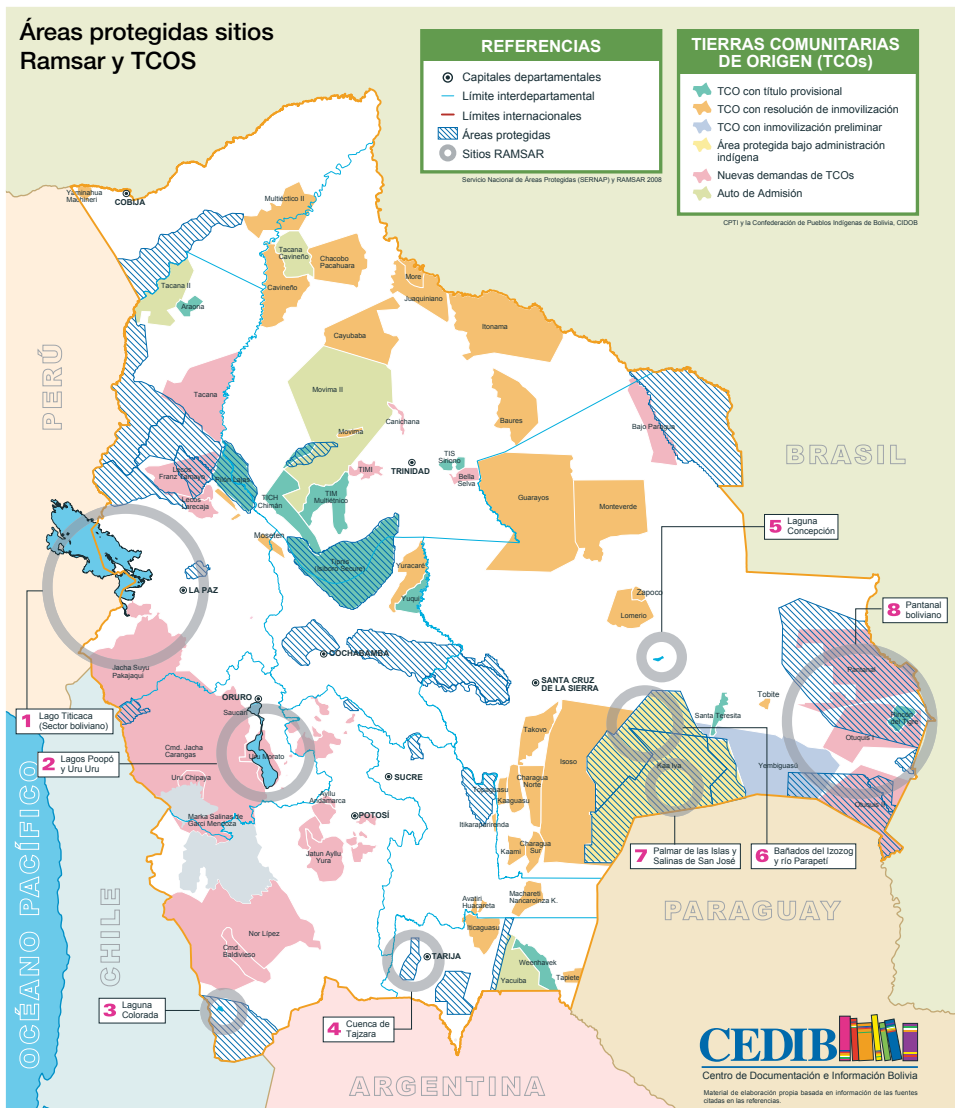


Figure 17. Overlap between the national system of protected areas of Bolivia and the traditional territories of indigenous peoples, which generally include high biological, cultural and linguistic diversity within but also outside official protected areas. Map provided by Gustavo Zambrana and produced by CEDIB, Bolivia, 2012 (Zambrana and Maturana, 2008).

## 8.10 Governance quality

**Step ten: Assess whether the system of protected areas is subject to any “good governance” requirement, and whether any specific principles were followed in developing and governing the system.<sup>362</sup>**

Besides investigating whether relevant legislation and policies formally recognise different governance types (Step 4), the workshop participants should examine whether they include provisions to ensure “good governance, whether for protected areas or in general. For example, most countries support some type of human rights legislation and all nominally support the UN Declaration on the Rights of Indigenous Peoples. In addition, dozens of countries, from Sweden to

<sup>362</sup> If the Phase 3 of the overall process is carried out in separate workshops, a workshop may end with Step 3.9 and another begin with 3.10.

USA, UK, Romania and India, have legislated some kind of “Freedom of Information Act” that ensures access to official documents of broad interest to the public. Since 1998, many European countries have also ratified or accepted the Aarhus Convention.<sup>363</sup> Checklist 2 includes a number of questions designed to discuss relevant issues.

Besides specific requirements in legislation and policy, there are also principles and criteria that can be adopted to set governance standards in relation to a system of protected areas. A set of widely agreed principles forms the kernel of what the IUCN recommends as “good governance” of protected areas: Legitimacy and voice, Direction, Performance, Accountability and Fairness and rights. These are described in Section 6.

<sup>363</sup> The Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters was developed by the United Nations Economic Commission for Europe and opened for signatures in Aarhus (Denmark) in 1998.

**Checklist 2. Provisions to ensure “good governance” of protected areas<sup>364</sup>**

**Right of access to information.** Is there a legal requirement to have key protected area information (e.g., designation, roles, responsibilities, vision and key objectives, boundaries and zones, management plans, budgets, progress, achievements) made available in a transparent way (on a website, via public reports, newsletters or other) to the public or to some rightsholders and stakeholders in particular?

**Right of public participation in decision-making.** Are there clear requirements in the legislation for the consultation and/or engagement of rightsholders and stakeholders in the management of the protected area, e.g. through multi-party bodies in charge of advising, taking decisions, etc.? Are there agreed guidelines detailing the procedures for involving rightsholders and stakeholders? Are there measures to prevent any form of discrimination? Are there legal requirements to consider/integrate public opinions in the final decision or to reach a consensus with key rightsholders and stakeholders? Is there a requirement for any specific mechanisms to ensure that (e.g., majority of votes, unanimity system, need for approval to take decisions)?

**Respect of legal and customary, substantive and procedural rights.** Are there legislative provisions for the respect of legal and customary rights that pre-existed the establishment of the protected areas? Are rightsholders enabled by law to maintain their rights (e.g., the right to live in an ancestral territory, the right to own and access natural resources)? If not, are there compensatory mechanisms to minimise the negative impact of the protected areas? If relevant, is there a specific mention and special treatment for the rights of indigenous peoples? What is the role of rightsholders in the protected area management, according to the law? Are rightsholders able to be involved in the design, establishment, planning and management of the protected area?

**Vision, performance and accountability.** Have the protected area authorities an obligation to develop and follow a long term, strategic vision for protected areas? Are there mechanisms in place (e.g., monitoring, control) to ensure that actions are consistent with the vision and objectives for the area? Is there a legal requirement and a system in place to assess management effectiveness? Does this involve rightsholders and stakeholders? Are the results to be made available to the public? Are protected area managers (including delegated actors) made accountable for their work, including through legally-required procedures for participation and transparency?

**Access to justice on environmental matters.** Is there some person or institution prescribed to carry out conflict management for matters concerning the protected areas? Are people legally ensured access to justice to solve their concerns in case of need?

**Box 12**

**Accountability framework for Parks Canada<sup>365</sup>**



Protected areas in Canada cover extensive areas and a variety of habitats. © Parks Canada.

Parks Canada is one of the oldest government protected area organisations in the world. Its mandate is to protect and present nationally significant examples of Canada’s natural and cultural heritage, and to foster public understanding, appreciation and enjoyment in ways that ensure the ecological and commemorative integrity of these places for present and future generations.

Parks Canada reports to the Minister of the Environment who is, in turn, accountable to Parliament, and thus to the Canadian electorate. It is required by law to produce system plans and management plans, yearly reports and, every two years, a State of Protected Heritage Areas Report. This report assesses the ecological and commemorative integrity of Canada’s heritage places, services offered to visitors and progress in establishing new sites. A sustainable development strategy is prepared every three years, outlining Parks Canada’s efforts to integrate environmental, economic and social factors in its work.

As a further accountability measure, a Citizens Roundtable is convened every two years to advise the minister on the performance of the agency. The minister must respond within 180 days to any written recommendations submitted by the Roundtable. A further formal way for citizens to speak their mind is through the environmental petitions process managed by the Auditor General of Canada. Federal ministers who receive petitions must respond within 120 days of receiving the petition.

364 Some of the issues examined in this box draw from Stanciu and Ionita, 2013.

365 Borrini-Feyerabend *et al.*, 2006.



The large forest of the 48 Cantons of Totonicapán (Guatemala) protects an important part of the watershed of Lake Atitlan and is one of the best conserved in Central America. It is governed *de facto* by an ancient customary institution. © gbf, 2013.

Different countries and peoples should determine whether and how these principles apply to their own situations, and for the governance of protected areas in particular. The exercise is relatively easy when one or more such principles are inscribed in the Constitution or relevant legislation and policy. For instance, Canada has established that its protected area systems must follow a principle of “accountability” (see Box 12 in the preceeding page).

The participants in the workshop may begin to assess governance quality for the system of protected areas by keeping in mind the IUCN principles of good governance listed in Table 8 throughout the whole assessment methodology. This will bring to the fore such issues as: system coordination; respect for existing rights; adherence to the rule of law; fairness in promoting participation, distributing resources and enforcing rules. Tools and indicators to assess governance quality will help to assess how authority, responsibility and accountability for protected areas are exercised vis-à-vis good governance principles (See Annexes 2 and 3).<sup>366</sup>

## Evaluation

### 8.11 Governance options to strengthen the system of protected areas

**Step eleven: Pull together the understandings and lessons developed through the assessment steps and evaluate the governance options to consolidate, strengthen and expand the system of protected areas in the region or country under consideration.**

In the evaluation, the participants draw results from their assessment (Steps 1-10) and develop recommendations for action. They should ask themselves a number of questions and agree on broad answers:

- Is the **existing governance system** for protected areas **effective, efficient and equitable** in delivering conservation and other benefits (such as sustainable livelihoods, cultural values and social cohesion)?

<sup>366</sup> Available at [www.iucn.org/pa\\_governance](http://www.iucn.org/pa_governance)

- If yes, what seems to **enable** effectiveness, efficiency and equity?
- If not, or not sufficiently, what are the key **impediments**?
- Is the system **well accepted** in society? Do most people appreciate protected areas? Or do they resent them?
- Does the system appear **capable of withstanding change** (e.g., ecological, economic and social change)?
- What are the overall **strengths** and **weaknesses of the system**?
- Are there **opportunities for improvement**? If so, what specifically should improve, and how?
- Is there visible **damage** to the system or some specific protected areas, or are there looming **threats**? How can those be remedied, prevented or mitigated?

From the spatial analysis, the workshop participants should have acquired a sense of how biodiversity, ecosystem functions and other associated values are governed. They should also be able to understand whether certain governance types are associated with geographical, ecological or socio-economic characteristics; whether they deliver effective conservation or are associated with damage and threats; and whether further investigation or research is needed. In short, the workshop should have revealed where this is any **opportunity to diversify and improve governance**, both of protected areas, and generally of APIs, so as to consolidate, strengthen and expand conservation.

About APIs, these are the kinds of questions that the workshop should be able to answer:

- Some—but not all— of the APIs which are outside protected areas may appear to be effectively conserved and could meet the IUCN definition of a protected area. Would it be desirable and feasible to add a **further layer of protection** by including them in the national system of protected areas?
- Other such effectively conserved areas may simply be governed as **voluntary or ancillary conservation** but have no chance or no wish to be included in the national protected area system. What kind of **recognition and support** could be provided to them as an incentive to maintain and strengthen conservation?
- When APIs are found to be damaged, what would be the best **governance options for their restoration**?
- When they face serious risks, what **governance options** would **prevent, or buffer against, such risks**?
- And finally, for all types of protected areas and APIs, could better **quality of governance** improve the chances for management effectiveness and ecosystem resilience?

Thus the evaluation helps to identify opportunities to expand a protected area system, diversify governance types and improve governance quality.

The evaluation may also show how coordination and decision-making could be improved. **This may require new governance levels or even new institutions, or the re-organisation of existing ones, working for example at an “ecosystem scale” rather than with administrative units only.** Such was the far-reaching recommendation of the

expert analysis recently carried out in India for the Western Ghats, a major ecological feature of the Indian peninsula.<sup>367</sup> The analysis proposed that an “ecology authority” be created for the whole Western Ghats and be given jurisdiction over relevant environmental legislation, the power to approve industrial developments and major infrastructures, and coordinate land use planning, and the duty to secure the rights of the least powerful.<sup>368</sup> Any proposed activity that could have an adverse impact on ecology and society would have to be submitted for approval to this governing authority, which would act at a broad landscape scale, far larger than individual protected areas.

## 8.12 Legal recognition of diverse governance types

### Step twelve: Evaluate the legal and institutional framework and its capacity to embrace diverse governance types for protected areas and provide recognition and support to APIs not included among protected areas.

The workshop participants should have gained a good understanding of the range of interests involved in protected areas, and other APIs, through earlier steps in the process. This may well have brought to light the existence of groups and institutions, such as private and corporate landowners, NGOs, religious bodies, universities, rural municipalities, the military, indigenous peoples and local communities, whose contribution to conservation has previously gone unrecognised. Some of the areas that they protect *de facto* may be good candidates to be recognised as protected areas and incorporated into the protected areas system. However, not all owners and caretakers of such areas will welcome such formal recognition, especially if this will erode the authority and responsibility they have at present. The workshop participants may thus wish to explore whether the existing legal framework for protected areas, and the forms of recognition and support available for APIs in general, are flexible enough to accommodate a variety of situations.

It should not be assumed that all territories and natural resources that are effectively conserved have to be recognised as part of a national protected area system. In fact, they could well remain as part of what CBD refers to as “other effective area-based conservation measures” and continue to play an important role for conservation, acting in support of protected areas. However, the assessment may have shown that this would expose them to the risk of greater damage and threats

<sup>367</sup> Ministry of Environment and Forests of India, 2011.

<sup>368</sup> These proposals envisage that the Western Ghats Ecology Authority would be a statutory authority exercising powers under the Environment Protection Act. The authority would focus on environmental issues (e.g., protection of upper catchments of rivers, conservation of germplasm of wild relatives of cultivated plants, prevention of groundwater pollution) and arrange field investigations, marshal facts and institute action. The authority would be part of a governing system that involves many levels and actors – State and non-State—addressing various knowledge domains, social relationships and competing interests. These proposals are being challenged in some quarters and are not yet accepted and in force.

Type de gouvernance	Aires protégées gouvernementales		Aires protégées en gouvernance partagée		Aires protégées privées		Aires du patrimoine autochtone et communautaire				
	Ministère ou agence fédéral ou national en charge	Ministère ou agence local / municipal en charge	Gestion déléguée par le gouvernement	Gouvernance transfrontalière	Gouvernance en collaboration (plusieurs formes d'influence)	Gouvernance conjointe (Conseil de gestion pluraliste)	Déclarées et gérées par des propriétaires individuels	...par des organisations à but lucratif ...	...par des organisations à but non-lucratif...	Déclarées et gérées par des peuples autochtones	Déclarées et gérées par des communautés
<b>Catégorie IUCN</b>											
I. Réserve naturelle intégrale / Zone de nature sauvage											
II. Parc National											
III. Monument Naturel											
IV. Aire de gestion des habitats ou des espèces											
V. Paysage terrestre ou marin protégé											
VI. Aire protégée de ressources naturelles gérées											

**Figure 18. The IUCN Protected Area Matrix** highlighting in orange the combinations of IUCN management category and governance type that could be legally recognised in **Madagascar in 2003**.

from external pressures. So whether they are within or outside the system of protected areas, APIs require flexible and appropriate forms of recognition and support.

These are the kind of questions that might be asked about an API that is not yet recognised as a protected area:

- Does the area meet, or could it meet, the IUCN definition of a protected area?
- Would there be any ecological, social or economic benefit if the area were recognised as part of the protected area system? What specific benefits would accrue and for whom?
- Would there also be obvious or more subtle problems or disadvantages of recognition? Specifically what and for whom?
- Would the current owners or custodians of the area wish it to be recognised as a protected area? Why?
- Can the protected area system embrace the protected area under the governance type that it possesses at the moment?
- If not, would policy or legislative reform make that possible?
- Has the protected area system the institutional, human and financial capacity to expand and embrace more protected areas?
- What types of recognition and support exist to conserve APIs outside the system of protected areas?

- Do they fit the needs and wishes of the current owners or custodians or would they wish different forms of recognition and support?

Through such questions, participants can move from an understanding of what exists to an awareness of what could be improved. Some real examples will illustrate the point.

Figure 18 shows the IUCN Protected Area Matrix completed for Madagascar in 2003. This was when Marc Ravalomanana, then President of Madagascar, told the Vth IUCN World Parks Congress in Durban that his country was going to triple the amount of land under official protected status, to a total of 6 million hectares.

Soon after the declaration it became apparent that the President's ambitious vision could not be secured through existing types of protected areas alone. If Madagascar wanted to expand its protected area coverage, it needed many new protected areas and to extend existing ones; and this was not possible within the narrow definition of protected areas provided for in the National Protected Area Code (COAP). After a long process involving numerous consultations and negotiations under the leadership of a dedicated national Commission, a new COAP was adopted in 2008, providing the appropriate tools to realise the vision. In particular, the new COAP adopted the four IUCN governance types as all equally legitimate within the national system. The National System of



Type de gouvernance	Aires protégées gouvernementales			Aires protégées en gouvernance partagée		Aires protégées privées			Aires du patrimoine autochtone et communautaire		
	Ministère ou agence fédéral ou national en charge	Ministère ou agence local / municipal en charge	Gestion déléguée par le gouvernement	Gouvernance transfrontalière	Gouvernance en collaboration (plusieurs formes d'influence)	Gouvernance conjointe (Conseil de gestion pluraliste)	Déclarées et gérées par des propriétaires individuels	...par des organisations à but lucratif ...	...par des organisations à but non-lucratif...	Déclarées et gérées par des peuples autochtones	Déclarées et gérées par des communautés
<b>Catégorie IUCN</b>											
I. Réserve naturelle intégrale / Zone de nature sauvage											
II. Parc National											
III. Monument Naturel											
IV. Aire de gestion des habitats ou des espèces											
V. Paysage terrestre ou marin protégé											
VI. Aire protégée de ressources naturelles gérées											

Figure 19: The IUCN Protected Area Matrix highlighting in orange the combinations of IUCN management category and governance type that can be recognised as part of the Malagasy Protected Areas System in 2013.

Protected Areas of Madagascar can now reach its ambitious target, and new protected areas are being established in the country in nearly all combinations of categories and governance types, as shown in Figure 19.<sup>369</sup>

Colombia possesses progressive legislation on the rights and responsibilities of its indigenous peoples vis-à-vis natural resources, with important implications for protected area law and practice.<sup>370</sup> For example, in 2010 Colombia was able to establish a new protected area named Yaigojé Apoporis in part of the territory governed by traditional authorities from the Macuna, Tanimuca, Letuama, Cabiari, Barazano, Yujup-Macu and Yauna peoples. As a government-recognised protected area, this territory is now protected from mining exploitation which is exactly what the indigenous peoples wanted and why their leaders agreed to accept the “protected area” label. Some members of their communities, however, resent the agreement as their customary territory, which used to be an ICCA fully governed by them, is now under a shared-governance arrangement<sup>371</sup> with the national protected area agency.

369 Borrini-Feyerabend and Dudley, 2005; Commission SAPM, 2009.

370 The indigenous peoples of Colombia have full collective authority on land and resources on their customary territories (*resguardos*), as do the local communities of Afro-Colombian descent (van der Hammen, 2003). However, while the former can be granted by the national authorities a “special management regime”, the latter must first develop a management plan and then apply for a “use and management agreement”.

371 Yaigojé Apoporis National Park is under government governance, but a special management regime is being developed with the relevant indigenous peoples (Paula Andrea Bueno, personal communication, 2012).

Under current legislation in Colombia, ICCAs cannot be recognised as part of the national protected area system while maintaining their collective governance by the indigenous peoples or Afro-Colombian communities, even though such peoples or communities possess collective ownership rights over the relevant land and resources. Many ICCAs exist throughout the country but, if they wish to prevent mining prospecting and exploitation,<sup>372</sup> they need to accept some government involvement with their governance and management practices. As many ICCAs are not ready for that, the protected area system of Colombia is more limited than it could be. In other words, Step 7 in the governance assessment process for the protected areas system of Colombia is likely to show many Type A and Type B protected areas, but none of Type D. Undoubtedly, however, there are many APIs that are effectively conserved and fit Type D. Thus the official protected area system of Colombia is less diverse than it could be. If the legislation of the country were changed so that official protected areas could also embrace governance Type D, more ICCAs might be inclined to become part of the national system and acquire a stronger level of protection and security.

Ynys-hir, in Wales, UK, is a rich woodland and bird reserve in the estuary of the river Dyfi, owned by the Royal Society

372 Under Colombian law, sub-soil resources are not governed by land owners. This is true for both private landowners and collective landowners, such as the indigenous peoples who have collective authority over their *resguardos*.



Some women are outspoken in demanding a clear sense of purpose as well as fairness and transparency in the governance of natural resources. © gbf, Casamance (Senegal), 2009 and Guatemala, 2013.

for the Protection of Birds. This is an important bird habitat, particularly as a refuge for waterfowl in winter, where extensive restoration has already taken place. Ynys-hir is already part of both a Ramsar site and of a UNESCO Biosphere Reserve, but has not yet been recognised (i.e., listed) as part of the national protected area system of the UK. At the time of writing this volume it is not known whether it is possible to fill the third column of the IUCN Matrix, so the UK's protected area system appears less diverse than it could be. In this case, however, a process is under way to identify which privately owned areas could be recognised as protected areas under the IUCN definition.<sup>373</sup> Once the process is completed it seems likely that the UK will be able to recognise governance Type C (column three) of the IUCN Protected Area Matrix.

373 see <http://www.iucn-uk.org/projects/protectedareas/tabid/65/default.aspx>

## 8.13 Improving governance quality

**Step thirteen: Evaluate whether the legal and institutional framework for protected areas is suited to promote good governance and how the protected area system can be governed as legitimately, purposefully, effectively, accountably, fairly, and respectfully of rights as possible.**

The IUCN good governance principles should be kept in mind throughout all the steps of the assessment methodology, and specifically addressed at Step 10 when examining national legislation for the protection of various rights. As a result, the participants should be able to draw conclusions in terms of desirable legal improvements in matters such as access to information, public participation in decision-making, respect for rights over land, water and natural resources that pre-existed the protected areas, and access to justice on environmental matters. These would be major recommendations, and require political and social support in order to be followed.

Participants may also wish to pursue less ambitious and possibly more realisable recommendations to improve governance in the actual functioning of the system of protected areas. For that, they could pursue a group exercise as described in Annex 2.<sup>374</sup> The exercise is designed to help establish whether the IUCN principles of good governance are respected in the everyday functioning of the protected area system. There are five sets of questions that can be posed and answered by the workshop participants. These questions are not exhaustive and are offered as a point of departure for discussing each good governance principle. If necessary, the participants should recommend the action needed to rectify shortcomings.

More tools, indicators and examples are available in the literature,<sup>375</sup> in Annex 3<sup>376</sup> and in Section 10 of this volume.

Readers concerned only with the assessment and evaluation of a system of protected areas should now move to Section 10, which offers tools and ideas to complete Phase 3 by developing a strategic plan to tackle governance problems and opportunities.

374 Available at [www.iucn.org/pa\\_governance](http://www.iucn.org/pa_governance)

375 See Kishor and Rosenbaum, 2012; Moore et al. 2011; Charles and Wilson, 2009; Abrams et al., 2003, Graham et al. 2003; Borrini-Feyerabend and Farvar, 2001.

376 Available at [www.iucn.org/pa\\_governance](http://www.iucn.org/pa_governance)

SPEAKING CASES

## A sacred valley at the heart of an ICCA... all within a National Park!<sup>377</sup>



© Stan Stevens

“We Sherpa people are very rich – we have so many kinds of ‘community conserved areas’. We have the monastery forests, the sacred mountains, the lama’s forests, the *nawa* system.<sup>378</sup> We have given protection to all of Khumbu. From our fathers’ and grandfathers’ times we have had conservation systems, which are necessary for the future... But [to maintain them] we have to have some authority...”. Such statements come from a meeting of Sherpa community and conservation leaders that took place on 25 May, 2008 in Khumjung, the largest of the many villages in the Khumbu traditional territory of the indigenous Sherpa people in the Sagarmatha (Chomolungma/Mt. Everest) National Park of Nepal. Most had walked for hours to gather and discuss their sacred lands and commons in the *beyul* (sacred hidden valley) which they must care for according to their Buddhist tradition. Tenzing Tashi, Head of the Khumbu Sherpa Culture Conservation Society, continued: “In the 1970s, after our land was nationalized and incorporated into Sagarmatha National Park, we continued to use and care for this sacred valley where we protect all wildlife, the forests declared sacred by our religious leaders many generations ago, and

the rangelands and forests we have managed as commons. This is our responsibility. It is important for our culture and our way of life, and it makes a big contribution to the national park. But we want our stewardship recognised.”

The Sherpa are indeed responsible for having created a wildlife refuge that remains well forested and home to snow leopards, red pandas, black bear, musk deer and rare mountain goat-antelopes. And the Sherpa way of life based on a mix of organic farming, transhumant herding and tourism, appears more sustainable than most. But cultural change among their youth is a challenge, as are certain government policies and attitudes and the rapid increase of lucrative tourism operations in place of transhumant herding of yaks and yak-cattle crossbreeds.

The leaders gathered in Khumjung considered that their understanding of Khumbu as an ICCA could be a valuable means of gaining greater national and international understanding, respect, and support for their culture and conservation practices—fully complementary to, and not in conflict with, Sagarmatha National Park. They stressed that this recognition was also needed to instill greater awareness and pride among Sherpa youth in their identity, heritage, Indigenous knowledge, customary institutions, and

<sup>377</sup> Adapted from Stevens 2008 and Stan Stevens, personal communication, 2012.

<sup>378</sup> The *nawa* (*naua*, *nauwa*) system manages use of community forests and rangelands.

conservation responsibilities and achievements. And they made plenty of plans for what they wanted to do to keep conserving their land. At the end of the meeting they issued a statement, not confrontational and fully in line with CBD understandings, stressing that Khumbu was their ICCA and, as Sherpa indigenous people, they were going to keep taking care of it.

Unfortunately, the time was not yet ripe. Some reporters and others circulated a misinterpretation of the statement as an effort by the Sherpa leaders to create a new type of protected area to replace the National Park. The Sherpa leaders were then told that the declaration of their ICCA was outrageous and illegal and—under pressure—they decided to withdraw it. It was a sad moment, and many of them were upset and angry. They decided to lie low to preserve the peace, but sent a strong letter to government officials, re-affirming the content of their declaration and stressing that their concept of Khumbu as an ICCA would complement Sagarmatha National Park, and that it would not challenge it or conflict with it. They affirmed that their declaration involved no new demands and created no new institutions, but opened the way for the greater national and international appreciation and support they deserved.

Since then, much political change has taken place in Nepal. Other indigenous peoples and communities in Nepal have identified their ICCAs and are organising themselves to continue to govern them for conservation. A number of indigenous peoples and local communities, including the Khumbu Sherpa, have created a national ICCA Network and are moving through the complex legal procedures of transforming it into a national ICCA Federation. The words of Sherpa leaders from 2008 are still valid:

“We call it the Khumbu Community Conserved Area to call attention to the future of its conservation by us Sherpa. If the [government officials] think about conservation they will see that this is a good idea. People who love this land are the ones who can conserve it...”

“The Community Conserved Area is a way to increase respect for Khumbu. It is a way to continue our culture.”

“..it [would be] one of my dreams realized: the Sherpa people fully recognised as taking care of Khumbu!”



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## 9. A framework for assessing and evaluating governance for individual protected areas



In the Southwest of Madagascar, the sacred forests named Etrobeke (“the belly” or “the centre of the body”) are humid and very productive forest patches in relatively dry environments; the local communities strictly forbid there the use of natural resources to meet mundane needs. © gbf, 2011.

The assessment and evaluation of protected area governance at the system level provide a useful context for the assessment and evaluation of any individual protected area. In turn, the results of the assessment and evaluation of any individual site offer important information at the level of the overall system.

A governance arrangement for a given protected area can only be considered as appropriate when it is tailored to the specifics of its historical and social context and effective in delivering lasting conservation results and livelihood benefits. There is no best governance type among the four described by the IUCN: all of them are legitimate and useful. For each specific site, however, it should be possible to find out whether the governance type is a good fit with the historical and socio-cultural context, and the protected area is as effective as possible for conservation and as equitable as possible for sustaining livelihoods. And it should be possible—irrespective of governance type—to assess whether good governance principles introduced in Part 1 of this volume are respected. The framework methodology outlined below is designed to address these questions.

As for a system of protected areas discussed in Section 8, it is proposed that the governance assessment and evaluation for

an individual site should take place as Phase 3 of an overall process, as depicted in Figure 7, and should unfold through one (or possibly more) workshops that gather together the key concerned rightsholders and stakeholders. **The framework is similar but has fewer steps than that proposed for a whole protected area system.** It focuses on an analysis of the historical and cultural context in which the protected area was established; the concerned rightsholders and stakeholders; a spatial analysis of the management units that can be identified within the protected area and/or closely relate to the protected area as part of the larger landscape/seascape; and the reality, and perceptions, of the governance process, including vis-à-vis the IUCN principles of good governance (see Table 8). Again, these are suggested steps, which should be validated, revised and/or integrated by others on the basis of the experience of the participants.

The careful documentation of the information, problems, opportunities, questions, answers and uncertainties that will surface throughout the workshop(s) is crucial and will be extensively used in planning and implementing the action that may need to follow.

Table 13. Framework for assessing and evaluating the governance of an individual protected area

Assessment		
Step	Key questions	Explanations/notes
History and culture	Does the concept and practice of a protected area as applied in the country of reference reflect the socio-cultural traits and values of the peoples and communities most directly concerned? Are there unresolved issues and grievances about the establishment of the protected area or the design of boundaries and zones? Are there untapped opportunities?	The discussion of these questions will put the establishment of the protected areas in a cultural and historical perspective. One or more maps at different scales would be essential here, and in the following steps, to ground and clarify the discussion. See Section 9.1
Governance type	Can a governance type be identified for the protected area?	This step investigates formal and/or <i>de facto</i> authority, responsibility and accountability for the protected area. See Section 9.2
Rightsholders and stakeholders analysis	What actors and institution(s) are concerned about the protected area? Who, among them, has socially recognised rights to the relevant land and natural resources? Who has legitimate interests and concerns, and possibly unique relevant capacities, but cannot claim socially recognised rights?	This analysis is more in depth than a simple analysis of involved actors and institutions. See Section 9.3
Management units	Are there management units or zones— within the protected area or related to it in the larger landscape/seascape—closely associated with one or more rightsholders or stakeholders? Have such rightsholders or stakeholders the capacity and willingness to contribute to governing such units and supporting their conservation?	This analysis offers insights on the potential for governance innovation for distinct management units of relevance for the protected area. See Section 9.4
Governance process	How are decisions actually made for the key issues concerning the protected area? Are good governance principles upheld?	This analysis is best done graphically through a visualisation of key actors, instruments, powers and levels of decision. See Section 9.5
Evaluation		
Governance options to strengthen conservation	Given the results of the assessment, what governance options exist to consolidate, strengthen and expand conservation in the specific site? Can any such option improve its effectiveness, efficiency, equity, social acceptance and capacity to withstand change?	See Section 9.6
Governance quality	Given the results of the assessment, would it be desirable for the protected area to promote good governance more actively so that it is run as legitimately, purposefully, effectively, accountably, fairly, and respectfully of rights as it possibly can?	See Section 9.7

## Assessment

### 9.1 History and culture

#### Step one: Examine the national and local history, and the cultural traits and values of peoples vis-à-vis the concept and practice of the protected area.

The ecological and social histories of a given territory or area often intertwine and influence each other. The idea of actively managing a territory with rules ranging from total seclusion and protection to controlled and regulated use may be long-standing or relatively recent. It may have positive and even festive memories attached to it, or traumatising memories of violence and repression. The conserved areas may have been set up by wise and respected leaders and administrations, but it is also possible that those leaders and those processes were unfair, opposed and resented. The power to have natural resource rules declared and enforced may still be at

the heart of the culture and sense of identity of the people, but it may also be an irrelevant secondary concern for most of them. Importantly, in the context of mixed and dynamic modern societies, different and possibly even opposite points of view may abound. In some cases, the protected area's management plan will have a section on the socio-economic history of the place. But in other cases the events and phenomena that marked the area may have been poorly documented or not documented at all. Their memory may be lost, or in the process of being lost.

The discussion would best take place over maps of the site, upon which the history of social and ecological developments can be made more specific. Understanding the history of the protected area in this way will shed light on how conservation processes and rules have evolved, and continue to evolve. In fact, a governance assessment is an important opportunity to document this history and reflect upon it, and upon the *ethos* of the relevant peoples. Ideally it should be possible to do this as a first step, as it is on the basis of a thorough understanding and appreciation of history that complex issues of governance can be best understood. Any governance assessment should thus begin from a respectful and candid

Table 14. A “reduced Matrix” for Kruger National Park, South Africa<sup>379</sup>

Governance type	A. Governance by government	B. Shared governance	C. Private governance	D. Governance by indigenous peoples & local communities
Protected area category				
II. National Park	SANParks is the statutory authority	Some form of shared coordination, planning, financing, operation, monitoring and evaluation is happening with the Makuleke community (which owns a small part of the land), the private concessionaires that operate lodges inside the park, and the adjacent landowners and countries.		In the future, at the ending of the lease period for their land, the Makuleke community may wish to govern its own ICCA within the National Park

analysis of the merits and problems related to the establishment of the protected area itself:

- When was the protected area established? By whom?
- Who took part in the process and positively contributed to it? Who opposed it?
- Did some rightsholders or stakeholders take the lead? Did others feel “left out”?
- What existed before the protected area was established?
- Who was then in charge of deciding about natural resources?
- Was there some form of continuity when the protected area was established?
- Who were the “winners” and “losers”?
- How did the situation evolve? What does remain of what was in place before the protected area?

Questions such as these should establish the grounds upon which the governance discussion will develop. They would also help the rightsholder and stakeholder analysis that will follow.

- Who provided finances, time and physical effort?
- Who provided political and moral support?
- Who drew the boundaries? Who decided any zoning?
- Does *de facto* practice reflect *de jure* intent?
- Who has been maintaining those decisions, or changing them, since the establishment?

Each of the four main governance types can generally be identified through different attributions of **authority, responsibility and accountability for the key relevant decisions** (see Section 3 of this volume). But, as noted in Section 4, while in some cases an overall type is immediately clear, in others it may be necessary to break down the various components of the governance process (see Table 6 earlier in this volume, or Table 14 above). If the position is still not clear, then one could consider who would have, *de jure* and/or *de facto*, the authority to de-gazette the area and/or change its key objectives, management plan and zoning – this gives a good sense of who is in charge.

## 9.2 Governance type

### Step two: Clarify the governance type for the protected area.

The governance assessment needs to analyse the processes, actors and institutions through which decisions about the protected area have been made. Underlying legal, political, social, cultural and financial considerations always shape decisions, but this does not mean that more immediate questions of authority, responsibility and accountability for the key decisions for biodiversity conservation and livelihoods should be ignored.<sup>380</sup> The workshop participants may wish to ask questions such as:

- Who decided to establish the protected area? Why, how and who else was involved?
- Who decided the main management objective and developed any management plan?



Is it easier to identify a rare botanical species or a governance type? A question to ponder... © Christian Chatelain, 1996.

379 For a discussion of the Kruger case vis-à-vis governance types see Patterson, 2010.

380 See section 2.2.

**Authority, responsibility and accountability in governing protected areas: a continuum**

Governance Type A  
Full control by government

Governance Type B  
Shared control by government & local rightsholders and stakeholders

Governance Type C or D  
Full control by local rightsholders and stakeholders



Figure 20. A schematic continuum where a specific protected area could be situated.

As shown by Paterson (2010), Kruger National Park (South Africa) offers an interesting example of governance complexities. South African National Parks (SANParks) is the statutory authority responsible for managing Kruger. Within the boundaries of the park, however, private commercial entities have concessions to operate lodges within land leased

to them. In addition, the Makuleke community, which had been evicted in the past, has now been assigned collective ownership of about 19,000 hectares of land inside the park. The land was leased back to the Park by the Makuleke for 50 years under the condition that it be managed through a Joint Management Board between their own representatives and SANParks officials. Kruger is also part of the Great Limpopo Transfrontier Park, regulated by a Memorandum of Understanding with Mozambique and Zimbabwe. And the fence separating the park from privately-owned and managed nature reserves along its western border has been removed. The owners of the adjacent lands have entered into co-management agreements with SANParks, in effect extending the park to also cover their own land. All this can be included in a relatively compact way in a reduced Matrix as shown in Table 14, an approach which is suitable for other protected areas.

Despite these complexities, overall Kruger can be considered as an example of governance Type A. This is because SANParks is solely in charge of most of the land,<sup>381</sup> and its power is dominant also with respect to the rightsholders with whom it negotiates management agreements.

A finer view of the sharing of authority, responsibility and accountability for a protected area can be obtained by placing it on a continuum,<sup>382</sup> as shown in Figure 20.

Seeking to situate the protected area along the continuum of Figure 19 can stimulate discussion of a variety of governance issues, as the participants will need to weigh the roles played by different decision-makers. The most valuable outcome may not be the agreement on where the protected area should be placed on the continuum, but the discussion itself, which can inform all participants of governance issues, and so help to resolve disagreements. For example, several stakeholders may have agreed to establish a protected area, but may not have been sufficiently consulted about its zoning or management plan, a fact that could hopefully be remedied.



Traditional farmers – the worldwide caretakers of agro-biodiversity – are crucial actors in the governance of protected areas. © Ashish Kothari, 2012.

381 Even in the case of protected areas where internal zones are managed according to different management objectives or IUCN categories, the category of the area as a whole is normally the one that is used.

382 The same continuum was examined in more detail in Section 4 of this volume.



### 9.3 Actors and institutions

**Step three: Identify the actors and institution(s) directly concerned with the protected area and its natural resources, and distinguish them on the basis of their legal and customary rights, interests, concerns and capacities.**

The actors and institutions directly concerned with the protected area can be distinguished between rightsholders and stakeholders (See Section 2.1). For example, a top scientific expert on a species and an investor willing to finance a local ecotourism enterprise may be invaluable participants in the successful management of a given protected area, but this does not confer upon them governance rights, unless the government mandates the expert to represent the public concern about the survival of that species or the entrepreneur manages to buy property within the protected area. So, the expert and the entrepreneur are stakeholders unless they acquire some legal rights, enabling them to become rightsholders. On the other hand, a group of landowners, or an indigenous people, who have for long managed and used the protected area's natural resources, do possess legal and/or customary rights that should be clearly recognised in terms of governance.

The **legal recognition of customary rights** and **social acceptance of the legitimacy of legal rights** vary greatly, but it is important to understand them. As for all complex social concepts, grey areas abound. For example, the legitimacy of legal rights in the form of long-term land leases or concessions for the use of water, timber or minerals acquired by major companies and foreign entrepreneurs is sometimes questioned by local rightsholders and stakeholders.

Checklist 3 is designed to help to identify the actors and institutions directly concerned with the protected area, which can subsequently be grouped as rightsholders or stakeholders on the basis of an open discussion among the workshop participants.



**Figure 21. Tri-dimensional maps are very useful to picture both governance responsibilities and needed management interventions.** In this case an ICCA, the Ancestral Domain of the Tagbanwa people of Coron Island (The Philippines), is shown to consist of a terrestrial and a marine component. © gbf, 2009.

Once a list of rightsholders and stakeholders has been compiled, their key characteristics can be further analysed with the help of tools such as Table 15. This will offer insights on their governance and management capacities and the potential for them to take more or less active roles in governing the site. This discussion should be carried out with the help of maps of the site (see Figure 21), a process that may reveal sub-units within the site with which certain rightsholders and stakeholders have special affiliation, and where they might be willing to take-on additional responsibilities.

**Table 15. A way to systematise information for an analysis of rightsholders and stakeholders**

Actor or institution	Time period associated with the protected area (years since establishment)	<i>De jure</i> access, use and tenure with respect to the natural resources in the protected area	<i>De facto</i> access, use and tenure with respect to the natural resources in the protected area	Main interests, concerns, type of interaction with the protected area (e.g., cultural, subsistence-oriented, scientific, economic)	Key capacities for governing or managing the protected area	Current role in governing or managing the protected area	Unresolved issues and claims with respect to the protected area
.....							
.....							

Checklist 3. Identifying rightsholders and stakeholders for a protected area site<sup>383</sup>

Are there institutions, indigenous peoples, communities or individuals who:

- possess substantive **legal rights** (e.g., property, usufruct) over the land, water and/or natural resources?
- possess **customary rights** to the land, water and/or natural resources (e.g., traditionally recognised rights to access and use)?
- are **mobile or absentee holders of legal or customary rights**, for instance nomadic, semi-nomadic or transhumant peoples and communities who may use the resource episodically or as a safety-net at difficult times (during droughts or harsh winters)?
- possess a **specific mandate from the government** (e.g., from a government agency) regarding the protected area?
- live in **close contact or proximity** to the protected area (e.g., residents, including relevant subgroups such as women, minorities, the youth)?
- **directly depend for subsistence** on the natural resources (e.g., for food, medicine, housing or basic family income)?
- possess **strong historical, cultural or spiritual connection** with the area and its resources (e.g., ancestral domains of indigenous peoples)?
- have demonstrated a **long-term positive relationship** with the protected area (in particular because of their sustainable use of its natural resources)?
- represent the rights and concerns of residents in the protected area who wish to remain in **voluntary isolation** from the rest of the world?<sup>386</sup>
- claim a role in governing the protected area because of **equity considerations** (e.g., it would be fair to provide them with access to the natural resources or a share in the benefits from their use because they have been expropriated and wronged in the past)?
- claim a role in governing the protected area because of **democratic principles** (e.g., they represent a large number of people with common interests and concerns, such as the residents of a nearby town who use the area as recreational visitors)?
- claim a role in governing the protected area because of their **unique knowledge and skills** which are invaluable for the management of natural resources (e.g., experts and researchers, traditional leaders, organised women groups, conservation NGOs)?
- claim an interest in the protected area because of **losses and damages** previously incurred in the management process (e.g., a community that had to stop all resource extraction)?
- claim a role in governing the protected area because this is **specified in the country's policies and body of law** (e.g., Freedom of Information Act, special rights of indigenous peoples) **and/or in international agreements** (e.g., the CBD, the Ramsar Convention, the UN Convention to Combat Desertification)?
- claim a role in governing the protected area because **their perspective is recognised as valuable** (e.g., they made a commitment to avoid irreplaceable harm to biodiversity)?
- demonstrate an unusual degree of **commitment, effort and resources invested** in the protected area or in related conservation initiatives (e.g., a group of "friends of the protected area" that carried out voluntary surveillance or clean-up jobs; a community that preserved a forest that includes important habitats and species; a women's or a youth group that developed rules of sustainable use for given species)?
- undertake activities that have a **significant impact** on the protected area (e.g., pollutants upstream) or, vice-versa, likely to be **importantly impacted** (positively or negatively) by the existence of the same (e.g., water users downstream)?

383 Adapted from Borrini-Feyerabend, 1996.



## 9.5 Governance process

### Step five: Determine how decision-making actually takes place for the key issues related to the protected area, and assess whether authority and responsibility are exercised legitimately, purposefully, effectively, accountably and fairly.

A governance analysis for a protected area is an in-depth examination of the interplay among the instruments, powers and levels of decisions<sup>384</sup> that determine decisions about key issues. It is possible to draw a graphic representation of such an interplay, although different interest groups are likely to sketch this differently (see Figure 23).

As part of the workshop in Phase 3 of the process, the participants may be separated into homogenous groups, who will be asked to work in parallel. Each group uses cards or symbols to represent rightsholders and stakeholders, and position these on a pin board noting their relationships graphically with lines, arrows, etc. A specific **process of**

**decision-making** for an important issue is then illustrated with the help of the board, usually revealing complexities not easy to describe in a non-graphic way. For instance, who takes the final decision about whether pastoralists are allowed to cross a protected area with their animals, or what timing and zoning are allowed for fishing in a marine reserve? A group may illustrate where the decision is first discussed and shaped (which may well have been not in a meeting of the governing board) and what kind of influences are felt by whom through what means (e.g., through the media, or through private phone calls to the director of the protected area). Revealing such complexities in a graphic way helps to identify strengths and weaknesses in the governance system, as well as opportunities and threats.

The group reports should be examined in a plenary session, leading to an agreed synthesis that represents how the protected area is actually governed *de facto*. This can then be examined in the light of the IUCN principles of good governance. The workshop participants should discuss whether the IUCN principles of good governance are relevant and what they reveal. Annex 3<sup>385</sup> lists some indicators for each principle, some of which could be selected for monitoring through time.



**Figure 23. Discussing the governance system for the Galapagos Marine Reserve (Ecuador).** © gbf, 2001. Different groups of rightsholders and stakeholders perceived differently how decision-making power is shared within the system, as shown by the very diverse graphic representations they provided (Borrini-Feyerabend and Farvar, 2001).

384 See Sections 2.3 and 2.3.

385 Available at [www.iucn.org/pa\\_governance](http://www.iucn.org/pa_governance)



The King Farm private protected area in the state of Vermont (USA) is part of an integrated system of privately owned and managed areas, well connected into the life of local communities. Educational programmes are an important element of such an integration. © US National Park Service.

## Evaluation

### 9.6 Governance options to strengthen the protected area

**Step six: Given the results of the assessment, what governance options exist to consolidate strengthen and possibly expand the protected area? Can any such option improve its effectiveness, efficiency, equity, acceptance in society and capacity to withstand change?**

The type of governance of a protected area is not a technical attribute but a key feature that has profound implications. On the one hand, the suitability of a particular type depends on a country's legislation and reflects national policies and attitudes towards engagement with civil society, minorities etc. On the other, the governance type and the institutional arrangements through which it operates are crucial for the achievement of protected area objectives (management effectiveness), determine the sharing of relevant costs and benefits (equity), are key to preventing or solving social conflicts, and affect the generation and sustenance of community, political and financial support.

If the protected area functions well and all rightsholders and stakeholders are satisfied with its results, there is no need to go any further. But if unresolved issues and problems are revealed during the assessment steps, the decisions making process will need review and change. Most of the time, such change will only imply **adjustements and improvements in the way things are currently done** ( e.g., the governing board will need to become more responsive to citizen advice

and more transparent in its functioning). At other times, however, change in governance type will be needed. This can be:

- **change in the governance type for the entire protected area**, for instance, when a protected area under shared governance is transformed into a delegated governance setting; and
- **change in the governance type for part of the protected area**, for instance, when an ICCA is recognised within a government-governed protected area and its governance is formally attributed to a specific indigenous people or local community.

The governance change may be important enough to lead to changes in the boundaries of the protected area or in some important management interventions. For example, an extension of the boundary of the protected area and a ceiling on the number of local registrations for fishing vessels, interventions that had previously appeared virtually impossible, were approved and implemented for the Galapagos Marine Reserve (Ecuador) after it adopted a collaborative model of governance in the late 1990s.<sup>386</sup>

As each case is unique, the workshop participants will need to evaluate whether the positive results that might be expected from improving or changing the governance model are worth the costs. Both the expected results and costs should be made explicit. If the results are likely to be strongly positive, greatly improving the probability that the protected area will achieve its objectives, then it will be important to consider a change of governance.

386 Heylings and Bravo, 2007.



Among the building blocks of governance quality is the understanding of “who is in charge of what”. Information about what a shared governance setting would imply was discussed in Sichuan (China) for the case of the local natural forests with the help of drawings made for the purpose. © Paul Wilson, 2007.

## 9.7 Improving governance quality

**Step seven: Evaluate how the protected area system can be governed as legitimately, purposefully, effectively, accountably, fairly and respectfully of rights as possible.**

On the basis of the observations made during the whole assessment process and specifically drawing from the analysis of the decision-making process carried out in Step 5, the participants can now evaluate whether the functioning of the governance system for the site can be improved. The IUCN principles of good governance that were used to assess governance quality for a protected areas system can also be used to assess it for a site. However, some principles may be particularly appropriate for a given area, whilst others may not be as relevant. It is important that the discussion about the applicability of these principles takes place and is documented.

The workshop participants can make use of the group exercise provided in Annex 2,<sup>387</sup> which may help them to identify whether good governance principles are respected when decisions are taken. The questions are not exhaustive, but are a point of departure to discuss issues that might need further investigation. If the participants agree that action is needed, they should also suggest what action could be taken. To help in that, some ideas are offered in Section 10 and Annex 3 suggests some indicators.



This poster depicts the main actors that need to agree about managing the natural forests: the community representatives (whose main concern is their livelihood), the traditional elders (whose main concern is respect for culture and spirituality, represented by the sacred mountains) and the government staff (whose main concerns are law and order, and forest revenues). While the poster was a communication success, it proved unable to depict effectively the complexity of the several actors involved. Shared governance was embraced enthusiastically by the local communities, the elders, the local administrators and the local Party leaders. Even the national authorities in Beijing were supportive. Middle level officials in the forestry sector, however, succeeded in effectively blocking it by introducing delays and obstacles.<sup>388</sup>

The following Section 10 suggests how to develop a strategic plan to tackle governance problems and opportunities. The workshop participants should leave enough time to pull together the results of their analysis and develop an effective way forward that all will be willing to accept.

<sup>388</sup> The poster was conceived by G. Borrini-Feyerabend and M. T. Farvar and produced by the artist Lu Bin in 2007, as part of a programme to promote shared governance of natural forests in Sichuan (China) supported by a EU funded project implemented by DFS Deutsche Forstservice GmbH.

<sup>387</sup> Available at [www.iucn.org/pa\\_governance](http://www.iucn.org/pa_governance)

# 10. Reporting and action



ICCAs include some of the bio-cultural jewels of the world. © Ashish Kothari, 2006

The conclusion of the assessment and evaluation process is the translation of the learning experience into a report, specific recommendations, and plans to improve the governance of the protected areas system, of an individual protected area or API.

No assessment and evaluation process should be embarked upon unless there is the willingness and capacity to draw together the results and act on them. Regrettably this is not always so, but in *all* cases the final step of the process should be made as specific and action-oriented as possible.

Provided the exercise is properly planned, those who will need to act will have been engaged in the assessment and evaluation process, will have come to own its conclusions and will agree to develop, and help implement, a set of recommendations.

The workshop facilitator should engage participants in developing the draft elements of the assessment and evaluation report and the main components of the action plan. He or she could do this by organising work in small groups and taking the lists provided in this Section as starting points

for discussion (in particular Section 10.1 and Tables 16 and 17 for the report and Sections 10.2 for the action plan). The conclusions developed by each group could then be shared, synthesised in a plenary setting and later used in drawing up:

- a **Governance Assessment and Evaluation Report** which will be of use in national reporting to the CBD, PoWPA and others
- a **Governance Action Plan** to address governance issues at a system or at an individual site level.

The advice in **Annexes 1 to 3** could be consulted in respect of all of the above.<sup>389</sup>

Though the material for both the assessment and evaluation report and the action plan should be generated through Phases 1-3 of the recommended process, it will not usually be possible to draft these in the workshop itself. Instead, they will need to be finalised by the Governance Team (see Section 7.3) after the workshop, but based on its advice.

<sup>389</sup> Available at [www.iucn.org/pa\\_governance](http://www.iucn.org/pa_governance)

## 10.1 The Governance Assessment and Evaluation Report

The report on governance assessment and evaluation should represent the drawing together of all that has been learnt in the process summarised in Section 7 and described in greater detail in Section 8 or in Section 9 above. It should be designed to disseminate, as soon as possible, the results of the process, using local languages where appropriate.

The report should thus describe the process, participants, results, conclusions and recommendations. It should synthesise information and analysis on all aspects of the governance of protected areas and APIs in general, or of the individual area under consideration. It should answer many of the questions asked in Sections 8 and 9, and include recommendations that can be implemented in governance action plans.

Particularly in the case of a system-wide assessment and evaluation exercise (Section 8), it is important to disseminate the report widely, for example to:

- the CBD and PoWPA Focal Points in the country as a contribution to national PoWPA Reports and Action Plans;
- national authorities and professionals with a mandate for nature conservation, protected areas and sustainable development;
- parliamentary or legislative committees that have oversight of environmental matters and protected areas in particular;
- associations, federations and national organizations of rightsholders and stakeholders, including owners of private protected areas, indigenous peoples and local communities, leaders of municipalities that developed protected areas on the basis of decentralization legislation, and conservation NGOs;
- regional and international CBD workshops;
- the IUCN Global Protected Areas Programme.<sup>390</sup>

While the main purpose of the assessment and evaluation report is to provide a rationale for action (see Sections 10.2, 10.3 and 10.4) it will also be invaluable in other ways. For example it should be used to ensure that:

- a governance type is identified and listed for all protected areas where data is provided to the World Database of Protected Areas and to national and international ICCA Registries;<sup>391</sup>
- governance information is included in the regular PoWPA Reports to the CBD, in particular regarding progress made in assessing protected area governance<sup>392</sup> but also for other CBD-suggested indicators for PoWPA (see the examples listed in Table 16);

<sup>390</sup> Please address them to [wcpa@iucn.org](mailto:wcpa@iucn.org). They will be very much appreciated and used for sharing and learning purposes.

<sup>391</sup> See Section 5 of this document.

<sup>392</sup> Objective 2.1 in the National Profile on the Implementation of the Programme of Work on Protected Areas specifies that the Assessment Report should be communicated to CBD.

- Governance assessment and evaluation information is incorporated into other regular national reports to the CBD (see the indicators listed in Table 17).

The questions listed in Table 16 are only the ones specifically included in the reporting format (National Profile on the Implementation of the PoWPA) adopted by the CBD in 2010.<sup>393</sup> Table 17 includes other governance-related indicators that have been adopted by the CBD and/or might be adopted in the future. These indicators are consistent with the objectives of PoWPA but are not yet included in the National Profile on its implementation. While the list is still long, it was kept manageable by excluding indicators that link governance to sustainable livelihoods, local sustainable development or cultural diversity.

## 10.2 The Governance Action Plan

Depending on the level of the assessment and evaluation exercise, a Governance Action Plan could be developed to improve governance for a protected area system or for an individual site. In either case the plan should clarify:

- who should take what action, and with what expected results
- when such action should take place
- what resources should be made available
- who should be in charge, and who could help
- and which indicators should be monitored to evaluate outcomes, results and impact within a reasonable timeline

Two kinds of action that should be included in such plans:

- appropriate reporting and diffusion of information from the assessment and evaluation process;
- initiatives at the national, landscape/seascape and/or individual site level specifically designed to improve governance.

### Ideas for governance: improving action at the level of a protected area system

At the level of the protected area system, the action plan could:

- Include initiatives to foster appropriate change in **protected area legislation and policies**, encouraging the full diversity of governance types recognised by IUCN and the CBD, and advancing legal and policy instruments that promote governance quality.<sup>394</sup>

<sup>393</sup> CBD Decision X.31, Annex 1, Nagoya, 2010.

<sup>394</sup> See Borrini-Feyerabend *et al.*, 2010 (pages 30-33) and Jonas *et al.*, 2012.



- Foster legal and other measures to **recognise and support voluntary conservation**,<sup>395</sup> including through:
  - information, demonstration and capacity building initiatives (e.g., country based and/or regional forums for dialogue and exchanges),
  - professional training opportunities at various levels (e.g., not only for top managers),
  - policies that assign technical and financial incentives to innovative systems such ICCAs and privately conserved areas through transparent rules of allocation and disbursement.
- Adopt and disseminate information about a set of **good governance principles** for the governance of the system of protected areas.
- Enhance governance quality for the system of protected areas by putting in place **mechanisms for transparency, accountability and public participation**, (e.g., through public review boards, web sites where to regularly upload information).
- Ensure regular **information exchange and dialogue** among managers, rightsholders and stakeholders about the system of protected areas.
- Make sure that the **rule of law** with respect to all protected areas in the system is effectively enforced, and that this is done in a uniform and non-discriminatory way.
- Establish a fair **dispute resolution mechanism** for matters related to the system of protected areas, and make sure that it is functional and is used when necessary.
- Identify **experts and institutions** willing to address the information gaps brought to light during the governance analysis.
- Identify the **research and teaching institutions** where expertise on governance matters exists and can be further developed.
- Make sure that **governance is regularly monitored and evaluated** for all matters regarding the protected areas system, including any reviews of legislation and policy.

#### Ideas for governance: improving action at the level of the landscape/seascape

Effective protected area systems and sites need strong linkages within supportive territorial governance and APIs beyond their borders. An action plan to address such linkages at landscape/seascape level could:

- Collect and review **governance information for all APIs**, and relate this information to the areas' conservation status, and exposure to damage and threats.
- Identify and assist in the resolution of issues related to **access, tenure and rights to land, water and natural resources**, in particular as they affect governance types for protected areas and APIs, and the pursuit of good governance overall.

- Promote multi-level<sup>396</sup> governance systems that **encourage decentralisation and subsidiarity**, whilst acting to prevent environmental and social harm, and safeguard rights.
- Remove **perverse incentives** that weaken protected area governance, including conditionality that undermines traditional institutions and local cultures, and eliminate processes that encourage secretive uses of authority and poor accountability.
- Develop **land-use plans and marine resources management plans** that embrace a range of management categories and governance types for protected areas, along with other “effective area-based conservation measures”.
- Plan **awareness raising and advocacy initiatives** to influence decision making and better inform the public about conservation of nature in general and protected areas in particular.
- **Monitor and evaluate** the extent and pace of governance reforms in the field of conservation, and their results.

#### Ideas for governance: improving action at the level of an individual protected area site

At the level of an individual protected area, action could:

- Ensure regular **information exchange and dialogue** among managers, rightsholders and stakeholders on governance issues.
- Ensure **mechanisms for transparency, accountability and public participation** in monitoring and evaluating governance and management processes and their results (e.g., through a protected area officer dedicated to community relations or a dedicated web site where information can be uploaded regularly).
- Put in place mechanisms that will ensure the **legitimate representation** of rightsholders and stakeholders in protected area decision-making, and necessary advisory bodies, including via traditional institutions<sup>397</sup> and by respecting local cultures.
- Make sure that **governance is regularly monitored and evaluated**, including the **implementation of relevant legislation and policies** (for instance, a real degree of negotiation and power-sharing should take place in decision-making for protected areas in any shared governance model, and rules for accountability should be followed in protected areas under any governance type).
- Make sure that the **rule of law** with respect to the protected area is effectively enforced, and that this is done in a non-discriminatory way.
- Establish a **fair dispute resolution mechanism** for matters related to the protected area, and make sure that it works and is used when necessary.

<sup>396</sup> Multi-level or polycentric governance describes networks of interconnected actors taking decisions that combine to produce mutually supportive results. This model is increasingly applied, including in countries that used to be dominated by the hierarchy of the State (Klůvanková-Oravská *et al.*, 2009).

<sup>397</sup> Borrini-Feyerabend *et al.*, 2010; Borrini-Feyerabend and Farvar, 2011; Kothari *et al.*, 2012; Kohli and Bhutani, 2012.

<sup>395</sup> See Kothari *et al.*, 2012.

Table 16. **Governance-related indicators from the National Profile on the Implementation of the Programme of Work on Protected Areas**<sup>398</sup>

The following questions are directly derived from Annex 1 of CBD Decision X.31 and are extracted from the much lengthier original format to highlight issues more specifically referring to governance and to make sure that the workshop participants keep in mind the CBD Parties' responsibilities for PoWPA. A few explanatory notes and specific terms such as "APIs" or "indigenous peoples" in place of "indigenous communities" have been added to link to the terminology and process described in this document. These are all noted in italics. According to Decision X.31, Parties are requested to upload reports on progress with self-assessed indicators that refer to the questions below (0 – no progress; 1 – planning phase; 2 – initial progress; 3 – substantial progress; 4 – nearly or fully completed), and actions specified in three time lines (before 2004; between 2004 and 2009; and since 2010). This should be kept in mind while providing collective answers to the following questions

Questions with reference to PoWPA's objectives	Assessment
<b>General information</b>	
<ul style="list-style-type: none"> <li>• Has a multi-sectoral advisory committee been formed to implement the PoWPA?</li> </ul>	
<b>1.1 To establish and strengthen national and regional systems of protected areas integrated into a global network as a contribution to globally agreed goals</b>	
<ul style="list-style-type: none"> <li>• Have you promoted different types of protected areas (<i>e.g., by recognising different governance types for protected areas or protected areas' sub-units</i>)?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you changed the legal status and/or governance type of protected area/s?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you taken any other actions to improve the representativeness and comprehensiveness of the protected area network (<i>e.g., reviewed the contributions to conservation of various types of governance of natural resources</i>)?</li> </ul>	
<b>1.2 To integrate protected areas into broader landscapes and seascapes and sectors so as to maintain ecological structure and function</b>	
<ul style="list-style-type: none"> <li>• Have you changed the legal status and/or governance in key connectivity areas?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you created new protected areas in key connectivity areas (<i>e.g., by taking advantage of new governance types</i>)?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you designated connectivity corridors and/or buffers <i>in suitably governed APIs</i></li> </ul>	
<ul style="list-style-type: none"> <li>• Have you restored degraded areas in <i>suitably governed APIs</i> that represent key connectivity areas?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you effected changes in land use planning, zoning and/or buffers <i>in suitably governed APIs</i> that are key connectivity areas?</li> </ul>	
<b>1.3 To establish and strengthen regional networks, transboundary protected areas and collaboration between neighboring protected areas across national boundaries</b>	
<ul style="list-style-type: none"> <li>• Have you established effective shared governance regimes for new transboundary protected areas (<i>engaging also local rightsholders and stakeholders</i>)?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you established new enabling policies to allow for <i>shared governance</i> of transboundary protected areas?</li> </ul>	
<b>1.4 To substantially improve site-based protected area planning and management</b>	
<ul style="list-style-type: none"> <li>• Have you <i>clarified and improved governance settings and/or, as necessary, changed governance type of protected areas</i> as key actions to improve planning and management?</li> </ul>	
<b>1.5 To prevent and mitigate the negative impacts of key threats to protected areas</b>	
<ul style="list-style-type: none"> <li>• Have you changed the status and/or governance type of a protected area to mitigate or prevent threats, or to restore it, as needed?</li> </ul>	
<b>2.1 To promote equity and benefit-sharing</b>	
<ul style="list-style-type: none"> <li>• Have you made progress in assessing the equitable sharing of costs and benefits of establishing protected areas? Have you taken action to improve that (<i>e.g., via compensation mechanisms, benefit-sharing mechanisms, new policies</i>)?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you <i>clarified and improved governance settings and/or, as necessary, changed governance type of protected areas</i> as key actions to strengthen equitable benefit-sharing?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you made progress in assessing protected area governance?</li> </ul>	
<ul style="list-style-type: none"> <li>• What actions have you taken to improve and diversify governance types?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you <i>recognised</i> new protected areas with innovative forms of governance, such as <i>indigenous peoples' and community conserved territories and areas, or privately conserved areas</i>?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you changed laws or policies so that new governance types can be recognised?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you taken other action to diversify governance types, <i>e.g., via social communication campaign on shared governance, ICCAs and privately conserved areas; provision of targeted incentives for voluntary conservation</i>?</li> </ul>	
<b>2.2 To enhance and secure involvement of indigenous peoples and local communities and relevant stakeholders</b>	
<ul style="list-style-type: none"> <li>• Have you assessed opportunities and needs for indigenous peoples and local communities to participate in key protected area decisions? What actions have you taken for that? What mechanisms have you set up?</li> </ul>	

398 CBD Decision X.31, Annex1, Nagoya, 2010.

<ul style="list-style-type: none"> <li>• Have you improved laws, policies and/or practices to promote broader participation of <i>rightsholders</i> and stakeholders?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you developed policies and procedures for Free Prior and Informed Consent in resettlement cases?</li> </ul>	
<b>3.1 To provide an enabling policy, institutional and socio-economic environment for protected areas</b>	
<ul style="list-style-type: none"> <li>• Have you improved accountability and/or participation in decision-making?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you developed incentive mechanisms for private protected areas?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you strengthened laws for establishing <i>and governing</i> protected areas?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you cooperated with neighbouring countries on transboundary areas?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you developed equitable resolution mechanisms and procedures for disputes <i>related to protected areas</i>?</li> </ul>	
<b>3.2 To build capacity for the planning, establishment and management of protected areas</b>	
<ul style="list-style-type: none"> <li>• Have you made progress in assessing capacity needs <i>specifically related to governance of protected areas</i>?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you included <i>governance issues</i> in professional development programmes for protected area staff?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you trained protected area staff in key skills <i>regarding governance</i> (e.g., <i>facilitation of agreements, mediation of disputes</i>)?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you developed systems and mechanisms for valuing traditional knowledge?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you <i>trained representatives of rightsholders and stakeholders on governance issues for protected areas</i>?</li> </ul>	
<b>3.3 To develop, apply and transfer appropriate technologies for protected areas</b>	
<ul style="list-style-type: none"> <li>• Have you developed, used or diffused appropriate technology for mapping, biological inventories and rapid assessments to <i>identify and demarcate areas and territories that are or could be voluntarily conserved</i>?</li> </ul>	
<b>3.4 To ensure financial sustainability of protected areas and national and regional systems of protected areas</b>	
<ul style="list-style-type: none"> <li>• Have you improved the sustainable finance of your protected area system by <i>including voluntarily protected areas and/or removing legal barriers to their inclusion</i>?</li> </ul>	
<b>3.5 To strengthen communication, education and public awareness</b>	
<ul style="list-style-type: none"> <li>• Have you made progress by identifying <i>governance</i> as a core theme for education, awareness and communication programmes relevant to protected areas?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you established or strengthen communication mechanisms with key target groups, including indigenous peoples and local communities, <i>about governance issues and opportunities</i>?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you produced public outreach materials <i>dedicated to governance issues</i> in protected areas?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you run public outreach programmes that <i>included information on governance issues</i>?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you improved communication, education and awareness on <i>good governance principles for protected areas</i>?</li> </ul>	
<b>4.1 To develop and adopt minimum standards and best practices for national and regional protected area systems</b>	
<ul style="list-style-type: none"> <li>• Is there a system in place for monitoring <i>governance improvements</i> achieved through the PoWPA?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you developed standards and best practices for protected area governance – <i>including during selection, establishment, planning and management implementation</i>?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you collaborated with other Parties and relevant organizations to test, review and promote best practices and minimum standards <i>for protected area governance</i>?</li> </ul>	
<b>4.2 To evaluate and improve the effectiveness of protected areas management</b>	
<ul style="list-style-type: none"> <li>• Have you improved management effectiveness <i>via improved governance type and quality</i>, including via law enforcement, stakeholder relations, etc.?</li> </ul>	
<b>4.3 To assess and monitor protected area status and trends</b>	
<ul style="list-style-type: none"> <li>• Have you developed a database for protected areas that <i>includes governance information (type and quality)</i>?</li> </ul>	
<ul style="list-style-type: none"> <li>• Do you have a geographic information systems (GIS) and/or remote sensing technologies <i>fully integrated with governance data in the landscape/ seascape</i>?</li> </ul>	
<b>4.4 To ensure that scientific knowledge contributes to the establishment and effectiveness of protected areas and protected area systems</b>	
<ul style="list-style-type: none"> <li>• Have you identified key research needs <i>regarding governance of protected areas</i>?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you carried out research on key socio-economic issues <i>of relevance for protected area governance</i>?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you disseminated research results <i>on governance of protected areas</i>?</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you revised <i>governance settings and/or management plan and practices</i> based on <i>governance monitoring and/or research results</i>?</li> </ul>	

**Table 17. Governance-related indicators consistent with CBD decisions adopted outside PoWPA and/or coherent with PoWPA but not yet included in its National Profile on Implementation<sup>399</sup>**

The following questions are directly derived from the CBD Decisions noted on the corresponding row in the second column. Some explanatory notes and specific terms such as “APIs” or “indigenous peoples” in place of “indigenous communities” have been added to link to the terminology and process described in this document and are in *italics*. Questions deemed coherent with PoWPA but not yet introduced in the National Profile on its Implementation (Table 16) are entirely in italics.

Questions	Relevant CBD decision	Assessment
<b>Governance of protected areas and biodiversity in general</b>		
Does your country present a <i>positive</i> trend in the <b>equitable management</b> <sup>400</sup> of protected areas?	<b>Decision XI.3 – key indicator for CBD Aichi Target 11</b> (“ready for use”)	
<i>Has any action been implemented to <b>improve policies for good governance</b> of protected areas<sup>401</sup> (e.g., to strengthen participatory decision-making mechanisms; ensure clarity of management direction and regular assessment of performance; enhance transparency and accountability; promote equitable dispute resolution institutions)?</i>	Coherent with PoWPA, but not yet included in its National Profile on Implementation	
Have you experience <i>diminishing trends in conflicts</i> related to natural resources ( <i>and protected areas</i> )?	<b>Decision XI.3 – key indicator for CBD Aichi Target 14</b> (additional indicator available to Parties to use at the national level)	
<i>Have <b>methods, criteria and indicators</b> been developed and adopted for protected area governance?</i>	Coherent with PoWPA, but not yet included in its National Profile on Implementation	
<i>Have indigenous peoples, local communities and other rightsholders and stakeholders been involved in the <b>assessment and evaluation of PoWPA</b> for their country? If so, how? Has that produced a plan to improve governance? Is the plan being implemented?</i>	Coherent with PoWPA, but not yet included in its National Profile on Implementation	
Are <i>rightsholders</i> and stakeholders – including indigenous peoples and local communities, women and youth – engaged in planning and implementing National Biodiversity Strategies and Action Plans and contributing to the achievement of the Strategic Plan for Biodiversity 2011–2020?	<b>Decision XI.2, A.4</b>	
<b>Respecting rights</b>		
Are <b>legal and customary rights and responsibilities</b> to <i>land, water and natural resources</i> taken into account and <i>respected</i> as indigenous peoples and local communities participate in the governance of protected areas? If yes, how?	This language goes beyond existing text in PoWPA but is consistent with <b>Decision IX.18</b> para 6 d.	
What are the <b>status and trends in land use change and land tenure</b> in the traditional territories of indigenous peoples and local communities ( <i>and particularly so in protected areas and APIs</i> )?	<b>Decision X.43 (i)</b> and <b>Decision XI. 3 – Key indicator for Aichi Target 18</b> (considered to require further development to be ready for use)	
Are there positive <b>trends in the practice of traditional occupations</b> consistent with sustainable use of biodiversity <i>in and around protected areas</i> ?	<b>Decision X.43 (ii)</b> and <b>Decision XI. 3 – Key indicator for Aichi Target 18</b> (considered to require further development to be ready for use)	
Are you supporting, as appropriate, indigenous <i>peoples</i> and local communities to <b>organise themselves</b> to develop their own community plans and protocols and participate in national and international dialogues concerning the CBD Convention?	<b>Decision XI.14</b> Progress on implementation of Article 8(j), para 8	
Have best practices been identified to promote the <b>Free, Prior and Informed consent</b> to, or approval of and involvement in, the establishment, expansion, governance and management of protected areas, including marine protected areas, which may affect indigenous peoples and local communities?	<b>Decision XI.14</b> Article 10 with a focus on 10(c), para 10 (c), subpara i. (This goes beyond the current requirements of PoWPA)	
<b>Voluntary conserved territories and areas</b>		
Are you strengthening recognition of and support for <b>community-based approaches to conservation and sustainable use of biodiversity in situ</b> , including indigenous peoples’ and local community conserved <i>territories and areas</i> and other areas within IUCN governance types?	<b>Decision XI.24</b> , para 1 (e)	

<sup>399</sup> This table has been compiled in collaboration with Holly Shrumm, Maurizio Farhan Ferrari and Ashish Kothari.

<sup>400</sup> This concept has been introduced in Target 11 of the CBD Strategic Plan for Biodiversity 2011–2012, and is logically equivalent to that of equitable governance.

<sup>401</sup> See Table 8 of this volume.

Are you appropriately recognizing and supporting <b>voluntary area-based conservation measures</b> by indigenous peoples, local communities and private landowners (e.g., via their own plans and protocols or inscription in national and international ICCA registries or any other effective means)?	Coherent with PoWPA and CBD Aichi Target 11 and consistent with <b>Decision XI.14</b> Progress on implementation of Article 8j, para 8; <b>Decision XI.24</b> , para 1 (e) and <b>Decision XI.24</b> , para 10.	
What is the overall <b>trend in</b> recognition and support to <b>voluntary area-based conservation measures</b> (including key connectivity areas and other sites of particular importance for biodiversity)?	Coherent with PoWPA, but not yet included in the National Profile; consistent with <b>Decision XI.24</b> , para 1 (e).	
Can responsibility to propose, designate and manage PAs be taken up <i>de jure</i> and/or <i>de facto</i> by <b>government authorities at different administrative levels</b> (e.g., county, municipality)?	Coherent with PoWPA, but not yet included in its National Profile on Implementation	
Can responsibility to propose, designate and manage PAs be taken up <i>de jure</i> and/or <i>de facto</i> by <b>non-governmental actors</b> (e.g., NGOs, private land owners, indigenous peoples and local communities)?	Coherent with PoWPA, but not yet included in its National Profile on Implementation	
Is the application of <b>traditional knowledge and customary sustainable use</b> encouraged and are community protocols promoted in protected areas, including marine protected areas, as appropriate?	<b>Decision XI.14</b> Article 10 with a focus on 10(c), para 10 (c) subpara ii and iii.	
Are you promoting the full and effective participation of indigenous and local communities and the use of relevant traditional knowledge and practices in appropriate <b>ecosystem restoration</b> activities?	<b>Decision XI.16</b> , para 1 (g)	
<b>ICCAs</b>		
Have community-based initiatives that enhance <b>customary sustainable use</b> – in particular the conserved territories and areas of indigenous peoples and local communities and their governing institutions – been promoted and strengthened?	<b>Decision XI.14</b> Article 10 with a focus on 10(c), para 10 (b)	
Have customary sustainable use practices or policy – in particular the conserved territories and areas of indigenous peoples and local communities and their governing institutions – been incorporated in <b>national biodiversity strategies and action plans</b> to maintain biocultural values and achieve human well-being?	<b>Decision XI.14</b> Article 10 with a focus on 10(c), para 10 (a)	
Are you supporting, as appropriate, indigenous and local communities to <b>document, map and register</b> their indigenous peoples' and community conserved territories and areas, according to national legislation, and to prepare and implement their community conservation plans?	<b>Decision XI 14</b> , Progress on implementation of Article 8j, para 9	
Are you supporting the voluntary use of the <b>Indigenous Peoples and Community Conserved Areas Registry</b> managed by the World Conservation Monitoring Centre of the United Nations Environment Programme?	<b>Decision XI.24</b> , para 1 (e)	
Are you furthering the development of <b>local (national) registries</b> of indigenous peoples' and community conserved territories and areas?	<b>Decision XI.24</b> , para 10	
Have you examined <b>best practices</b> (e.g., policy, legislation) to enable indigenous peoples and local communities to <b>voluntarily identify, designate, govern, manage and conserve protected areas and sacred sites</b> , as a way to maintain their customary sustainable use?	<b>Decision XI.14</b> , unedited Annexes Task 15 bis (still in brackets)	



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As we send this volume to print, humanity and all other life on Earth face unprecedented dangers, especially with the crises of a new, man-made wave of biodiversity extinctions and the increasingly dramatic effects of climate change. We should now know what we have to do to conserve life on earth and protect our own future as a species. Yet, too often we fail to act, partly because our governance systems are not yet effective when faced with these global challenges. Could progress in governance at the level of protected area systems and sites perhaps inspire our leaders to step up to the task at the global level?

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