Governance of Protected Areas

From understanding to action

DRAFT FOR COMMENTS

giz

On behalf of
Federal Ministry
for Economic Cooperation
and Development

Convention on
Biological Diversity

IUCN

CEESP

WCPA
WORLD COMMISSION
ON PROTECTED AREAS

The ICCA
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Grazia Borrini-Feyerabend, Nigel Dudley,
Barbara Lassen, Neema Pathak and Trevor Sandwith

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Acronyms

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
COP	Conference of the Parties
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
ICCA	Indigenous peoples' or community conserved territory or area
IPA	Indigenous Protected Area (of Australia)
IUCN	International Union for the Conservation of Nature
PoWPA	CBD Programme of Work on Protected Areas
PPA	Private protected area
SCBD	Secretariat of the Convention on Biological Diversity
SNS	Sacred Natural Site
TBPA	Transboundary Protected Area
WCPA	IUCN World Commission on Protected Areas
WWF	World Wildlife Fund

Acknowledgements

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The idea for this product was born as a consequence of the 9th and 10th Conference of the Parties to the Convention on Biological Diversity (CBD), when reviews of the CBD Programme of Work on Protected Areas showed relatively poorer progress in the implementation of programme Element 2 on Governance, Participation, Equity and Benefit-Sharing with respect to other results and achievements. The partners in this endeavor considered that progress was dependent on awareness raising, the conduct of assessment processes at national and site level and the development of specific individual and institutional capacities. For all this, resources were needed but in scarce supply.

The German Federal Ministry for Economic Cooperation and Development provided some initial funding through the GIZ Programme "Implementing the Biodiversity Convention", which was complemented by significant in-kind contributions from IUCN, the ICCA Consortium and the SCBD. Based on an initial conceptual outline, Neema developed a first draft of Volume 1, drawing on previous work by individuals and organizations referenced in the text. Then Grazia developed this final version, strengthening the conceptual basis of Part 1 and designing the Assessment and Evaluation Framework. Trevor, Barbara and Nigel authored parts of the text, provided case examples and commented on and edited all iterations of the product. Grazia provided the interviews and most of the pictures (collected between 2008 and 2012) that enliven the text. Comments, case examples and pictures were also provided by Thora Amend, Catie Burlando, Nigel Crawhall, and Iain Davidson-Hunt, Luis Paulo Ferraz, Hugh Govan, Gunnar Finke, Phil Franks, Ashish Kothari, Tilman Jäger, Michael Lockwood, Ramya Rajgopalan, Juan Carlos Riascos de la Peña, Salatou Sambou, Lea Scherl, Holly Shrumm, Stan Stevens, Jordi Surkin and Rauno Väisänen. Thomas Schwedersky developed the methodological guidelines of Volume 2, in collaboration with Barbara, Grazia and Trevor.

Since its gestation, this product developed and grew as new insights and ideas developed – a reflection on the fact that the field of protected area governance, no doubt crucial to the performance of protected area systems, is a dynamic and evolving discipline. Because of this, we consider our work to be a pioneering rather than a "final" product, and we encourage all concerned 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[1], Nigel[2], Barbara[3], Neema[4] and Trevor[5]

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Introduction

The 9th and 10th Conferences of the Parties to the Convention on Biological Diversity (CBD), in 2008 and 2010, provided occasions for in-depth reviews of the Programme of Work on Protected Areas. 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;
- conducting capacity-building activities for protected area institutions and relevant stakeholders on the implementation of Element 2, and especially on governance aspects of protected areas;
- expediting the establishment of multi-sectoral advisory committees to support the implementation of the Programme of Work on Protected Areas (PoWPA);
- 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[6] also recommended to Parties to:

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

This resource kit seeks to support the implementation of those decisions by providing a reference to the main concepts, principles and issues relating to the governance of protected areas, by outlining a proposed approach to conducting protected area governance assessments at system and site scales, and by offering materials to raise awareness, understanding and capacity, and develop a plan for action at national level.

Purpose and content

The main purpose of this resource kit is to facilitate the development of institutional and individual capacity for all of those involved in the governance and management of protected areas. Learning and better practice are expected through improved understanding and application of key concepts, by conducting governance assessments and evaluations, and incorporating their findings into ongoing work.

This resource kit:

- introduces key concepts and issues;
- offers an approach and method for assessing the governance of protected area systems and individual protected areas;

[6] CBD Decision X.31, para. 32 (f), COP 10, Nagoya, 2010.

- provides guidance for national initiatives designed to generate awareness and motivation on protected area governance, and provides a space for dialogue and planning of national assessment processes;
- provides an initial list of resource materials, including contact details, websites, publications and case examples.

The kit is meant to be used by all kinds of protected area practitioners. These include government protected area agencies, non-governmental organisations, indigenous peoples and local community representatives, municipal councils, owners of private protected areas, conservation organisations, civil society organisations, researchers, consultants, funding agencies and people broadly interested in establishing and managing any protected or conserved area. But the kit can be used by anyone with a direct or indirect involvement in protected area establishment, management or governance. It is meant to enrich the understanding of concepts and processes for governing protected areas, but should also facilitate sharing that knowledge and applying it in various contexts.

The kit comprises two volumes and a compact disk:

- Volume 1 deals with *understanding the concepts and scope* of governing protected areas, and offers *advice on how to assess and evaluate* the governance status and quality of both systems of protected area and individual sites, identifying gaps and possible remedies
- Volume 2 describes *methods and activities to help experts/ facilitators to design and conduct national initiatives* to generate awareness and motivation on protected area governance and assist a multi-stakeholder team to assess and evaluate the governance of a protected areas systems
- the compact disk contains the digital version of both volumes and additional support material, including *slide shows, tools and resources* more effectively used in electronic form

Using this resource kit

Anyone with an interest in governance of protected areas may find this kit useful, but readers mostly concerned with basic concepts should focus on part one of volume one and continue to the whole of volume one if they do not wish to embark in specific exercises but would still like to know how governance can actually be assessed and evaluated. Readers who have the opportunity to be involved in a real-life assessment and evaluation process, are recommended to study both (short) volumes. The second volume is actually designed to be used by such process facilitators, in association with tools available on the compact disk.

Although the volumes describe proposed steps and process sequences, the suggestions included here are to be applied cautiously and wisely, and always adapted to the particular context.

Limitations

We have sought to make this resource kit complete, yet concise. This is not, therefore, an exhaustive treatment of the subject. Aimed at existing and new practitioners, it provides initial guidance that will need to be enriched and adapted by users and trainers according to the context. We see this kit as a contribution to on-going processes towards governance systems and processes in society that are overall more appropriate, effective and equitable, and constitute progress towards "good governance". These processes will necessarily be enhanced and updated as knowledge and

experience improves through practice. Feedback on this kit will contribute to its improvement through time, and readers are warmly invited to submit case studies and resource materials for inclusion in future editions.[7]

Key sources used in the resource kit

A few main sources (see Section 13) have been principal references for this resource kit and are not always cited even though, at times, entire phrases or paragraphs are used *verbatim*. The readers of this document are encouraged to consult these source references directly.

[7] Please send such comments to Barbara Lassen (barbara.lassen@giz.de)

Part 1: Concepts and Scope

Our patrimony, for us all to preserve

Aminata Sambou is showing two bags of much appreciated oysters from the lush mangroves of her village in 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 let time for the resources to regenerate. We also had places where we never went because of the spirits. We knew it was foolish to get there... you would have been looking for troubles. But then, many things changed. Many fishermen came from other parts of the country, some started fishing inside the spirits' *bolongs* 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..." Aminata 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 authorities to help us getting those also

respected by outsiders. It was like this that we established our Community Conserved Area, which now covers many *bolongs*... 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 *bolong* where everyone can fish, but only if the boat does not have an engine. In Djola we call all this ***Ka****pooye* ***Wa****folal* ***Wa****ta* ***Na****nang* ("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 also got 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.

There is so much fish now that some men say they have quadrupled the catch. All the types of fish we used to like the most to eat 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."[8]

[8] Aminata 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 has been instrumental in bringing greater attention to the subject of improved governance for protected areas and calling for the involvement of all relevant sectors of society, including governments, indigenous peoples and local communities, conservation NGOs and funders, and private actors. Some of the concepts that it has introduced are summarized below.

1.1 Protected area governance in the CBD Programme of Work on Protected Areas

The central aim of the CBD's Programme of Work on Protected Areas (PoWPA) is to build "*a global network of comprehensive, representative and effectively managed national and regional protected area systems*". The adoption of the PoWPA in 2004 represented an historical step in addressing the ethical and practical challenge of the current rapid global decline in biodiversity. Yet, despite its primary focus on biodiversity, the programme goes further than previous global conservation initiatives in bringing governance into the heart of planning and implementation. In their decision to establish the PoWPA, the Parties to the CBD made explicit reference to "poor governance" [9] as one of the hurdles to achieving protected areas objectives. And, throughout the PoWPA, they stressed a number of concepts relating to governance of protected areas.[10] These concepts include:

- ✓ **PARTICIPATION**: ensuring the full and effective participation of relevant rightholders and stakeholders, including indigenous peoples, local communities and actors entitled because 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 includes removing barriers to participation by introducing legislation, policies, capacities, and resources to ensure that all rightholders and stakeholders can participate effectively, if they wish.

- ✓ **INNOVATION:** opening the way for new types of governance for protected areas to be legally recognized, effectively managed and promoted through policy, financial, institutional and community mechanisms. The types include: protected areas run by government agencies at various levels; protected areas under shared governance; private protected areas; and

[9] CBD Decision VII.28 para 17, COP 7, Kuala Lumpur, 2004.
[10] For the full text of the CBD Programme of Work on Protected Areas, see CBD Decision VII.28, COP 7, Kuala Lumpur, 2004; http://www.cbd.int/protected/pow/learnmore/intro

indigenous and community conserved areas— all related to their potential for achieving biodiversity conservation.

- ✓ **RESPECT**: ensuring attention and respect for the rights, the livelihood needs and the conservation capacities of people living in and around protected areas, and to the traditional knowledge and practices of indigenous peoples and local communities in particular.

- ✓ **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. The benefits include those related to access to genetic resources, particularly for indigenous and local communities, compensating for costs where appropriate.

- ✓ **FREE PRIOR INFORMED CONSENT:** requiring free, prior and informed consent before resettling 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.

- ✓ **GOVERNANCE PRINCIPLES:** following broad "good governance" principles in all decision making regarding protected areas, including: respect for the rule of law; access to information; accountability in decision-making; and existence of institutions and procedures for fair dispute resolution.

1.2 Protected areas

The International Union for the 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".*[11]

In order to "unpack" this definition, Table 1 looks at each word or phrase in turn, and the last two columns look specifically at governance issues, posing questions and offering examples that will be further articulated and explained in this volume.

[11] 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 recognizes the IUCN protected area management categories and governance types. The IUCN definition will be used as the basis for this resource kit.

Table 1. Unpacking the protected area definition to understand its governance dimensions			
Terms	**What does it mean?**	**Governance issues**	**Examples**
Clearly defined geographical space	"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 *not* 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).	***Who defines the geographical space that is to be "protected"?*** ***Who traces and demarcates the borders?*** ***Who can modify that, and how?***	As for many conserved indigenous territories throughout the world, the Tla-o-qui-aht Tribal Parks in British Colombia are management units on the basis of geomorphology and long-term history of relationships among concerned communities and with natural resources, such as watersheds defined by the Ancestors and adapted to today's situation. Meares Island, part of the Tla-o-qui-aht traditional territory, was formally declared a Tribal Park in 1984, by a pronouncement of the Hawiih hereditary chiefs. In 2007, the Tla-o-qui-aht First Nations took several more steps to formalise several watersheds as Tribal Parks with the support of Parks Canada.[12]

[12] Tla-o-qui-aht First Nations, 2012.

Recognised	Protection can include a range of governance types declared by people as well as those identified by the State. All such sites, however, should be recognised in some way (e.g. through listing on the World Database on protected areas – WDPA).	***How is the protected area recognized? By whom? (consider informal and formal recognition modalities and different levels of recognition, including:*** • ***by society in general;*** • ***by local customary and/or legal authorities;*** • ***by national authorities;*** • ***by multi-country governmental bodies;*** • ***etc.)***	Keoladeo National Park was initially set up as a duck-hunting reserve for the local Maharajas, and is now recognized by the Indian government as a National Park and by UNESCO as a World Heritage Site. Anindilyakwa Indigenous protected area (IPA) was self-declared by aboriginal communities in the Groote Eylandt peninsula, one of many self-declared IPAs recognised by the Australian government.[13]
Dedicated	Implies a specific binding commitment to conservation in the long term, through, e.g.: ● International conventions and agreements ● National, provincial and local law ● Customary law ● Covenants of NGOs ● Private trusts and company policies ● Certification schemes.	***Who "dedicates" the land and resources to conservation? How?*** ***Through legal means? Through customary laws and rules?*** ***Is the decision imposed by law? Is it voluntary?***[14]	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.[15]

[13] Australia government, 2012.
[14] See Lausche, 2011.
[15] Janis Alcorn, personal communication, 2012.

Managed	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 decision to leave the area untouched if this is the best conservation strategy.	***Who develops and approves a management plan?*** ***Who appoints the managers, defines their mandate and the scope of their decision-making?***	In Belize the government assigns protected area management responsibilities to community organisations and/or NGOs, such as the Belize Audubon Society, which is in charge of Guanacaste National Park. In the Archipelago National Park, in Finland, traditional farmers are called in by the governing national agency to help maintain the flowering species associated with meadows.
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 but non-gazetted means, such as through recognised traditional rules under which community conserved areas operate or under the policies of established non-governmental organizations.	***Are the authority, responsibility and accountability concerning the area codified in legislation?*** ***Are they regulated by customary processes, institutions and means?*** ***How are rules enforced?***	Kawawana— a community conserved area in Casamance (Senegal) -- was declared 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 of enforcing national and local fishing rules, and of sequestrating the gear of fishermen who violate such rules.

… To achieve	Implies some level of effectiveness – a new element that was not present in the 1994 definition but which has been 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.	***Who is in charge of monitoring and evaluating the effectiveness of results?*** ***Who defines the indicators?*** ***Who decides about eventual needed changes in management practices?***	The decisions of the Convention on Biological Diversity 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.[16]
Long-term	Protected areas should be managed in perpetuity and not as a short-term or temporary management strategy.	***Who developed the vision of what the protected area should be like "in the long term"?*** ***What does "long-term" actually mean?*** ***What guarantees are in place that the protected area will actually exist in the long term? Who will be accountable for this?***	Countries differ in their ways of addressing this issue. Colombia has put the "perpetuity" of national parks into its Constitution. In Switzerland, cantons vote every 25 years whether to remain within some of the country's protected landscapes.

[16] Hoffman et al., 2012

Conservation	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.	***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 relating to farming and ecotourism.[17]
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.	***Whose definition of "nature"[18] is applied?***	While many different interpretation of nature exist, biodiversity and spiritual perceptions often do coincide. For instance, as of 2012, most key biodiversity areas in the Philippines overlap with areas of spiritual significance for its indigenous peoples.[19]

[17] Alba, 2012

[18] A broad comparative analysis of the meaning of « nature » in different cultures is needed and under exploration (J.M. Mallarach and V. Sartore, personal communication, 2011).

[19] Nelson Devanadera (protected areas and Wildlife Bureau), communication at the Conference "*Nature in the Footsteps of our Ancestors*" Manila, March 2012.

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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) have 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, but who bears the blunt of the opportunity costs of not using the Park's resources? Who gets the benefits of animal conservation with the Park?
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?***	In Jiuzhaigou National Park (China), the three million visitors/ year appreciate the "local culture" of the original inhabitants of the valley, whose livelihood system has drastically changed in the last decades. While traditional activities (e.g. grazing) have been forbidden inside the park, new and lucrative activities (e.g. picture taking of tourists with traditional costume attires) have emerged anew. Whose culture is being upheld?

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 above, it can be seen that the definition of protected areas encompasses an astonishingly diverse range of situations. It is also clear that key questions relating to decision-making, which have critical implications in each case, must be well understood, considered and addressed.

1.3 IUCN protected area management categories

Because protected areas are established for a variety of reasons, the 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 maintained by IUCN and the UNEP World Conservation Monitoring Centre (UNEP-WCMC).

Table 2. IUCN Categories of protected areas

Protected Area Category	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 areas	Large unmodified or slightly modified areas, retaining their natural character and influence, without permanent or significant human habitation, which are protected and managed so s 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 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 address 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 – Managed Resource	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.

Every country and region in the world has different ways of identifying and designating protected areas in terrestrial, freshwater and coastal and marine environments. There are, consequently, 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 denominations such

as biosphere reserves, World Heritage Sites, Key Biodiversity Areas or Wetlands of International Importance (Ramsar sites). 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. It is thus their component parts that will be identified by a descriptive management category using the IUCN system.

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:[20]

- 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
- be operating 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

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 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

[20] Dudley, 2008

1.4 Protected area governance

During the past decade, the term "governance" has grown in importance and use in many contexts,[21] including protected areas. In general terms, governance is about the *institutions and processes used by rightholders and stakeholders to make and influence decisions, and to exercise authority and responsibility in society.*[22] This includes the way people create policies and rules to guide their own behaviour and that of their institutions.

In the context of protected areas, a way to render governance concretely is to find out ***who holds authority and responsibility and can be held accountable according to legal, customary or otherwise legitimate means***.[23] But governance is more than a formal attribution of authority and responsibility. It relates to both formal and informal processes of taking decisions, and to contemporary as well as customary and culture-bound institutions. In this sense, governance is both about ***who holds authority de jure, and who makes decisions de facto*; and about *how these decisions are made*.** The same understanding can apply to individual protected area sites and to protected area systems.

> ***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.

Those involved in protected area governance can include a broad variety of rightholders and stakeholders including government agencies and ministries at various levels, elected and traditional authorities, indigenous peoples and local communities, businesses and corporations, private individuals and non-profit trusts, international bodies, labour unions, professional organizations, religious and educational organizations, military authorities, political officials and parties, etc. Among all of them, the distinction between "rightholders" and "stakeholders" is usually made internally in a given society and in a context-dependent manner. Thus "***rightholders***" are the ones ***socially endowed with legal or customary rights*** to take management decisions, while "***stakeholders***" possess ***direct or indirect interests and concerns*** related to those decisions, but do not necessarily enjoy socially recognised entitlement to influence them.[24]

Governance and ***management*** of a protected area are closely linked, but have to be clearly distinguished:

Table 3. What is the difference between management and governance of protected areas?		
Management	**...is about...**	**what is done** in pursuit of conservation objectives **the means and actions** to achieve such objectives
Governance	**...is about...**	**who decides what to do** **how** those **decisions** are taken who holds **power**, **authority and responsibility** who is (or should be) held **accountable**

[21] For a review, see Kitthananan, 2006.
[22] See Institute of Governance, 2002.
[23] SCBD, 2004, page 100.
[24] Borrini-Feyerabend et al., 2004b.

Protected area managers often find that even what appear to be purely "management related" issues, are actually linked with issues of governance. For instance, addressing technical challenges about conservation and resource use frequently requires a critical interpretation of laws, policies and information, which is, in turn, influenced by organizational cultures and professional capacities and attitudes. Even issues that used to be considered as "purely technical" embed ongoing choices and decisions, and depend on who is in charge.

Box 1. Example of protected area management issues requiring governance-related solutions

Technical issue: determine and enforce sustainable harvesting levels for fish (or wildlife) in a protected area.

Associated management issues requiring governance inputs and solutions:

- clarifying who has a right to harvest fish (or wildlife) and benefit from it (e.g. national and/or local administrations, indigenous peoples, local communities, private investors);
- deciding on information (e.g. local traditional knowledge, scientific knowledge) that should be taken into account while developing the harvest rules;
- determining the conditions of application of the sustainable harvesting rules (e.g. permitted harvest level *by user*, where can they harvest (zoning of the protected area), period of validity of the rules, surveillance mechanisms, fines for violators, etc.);
- agreeing on how information about the sustainable harvesting rules should be diffused;
- enforcing the rules;
- monitoring and evaluating the ongoing impact of agreed rules, and agreeing on re-adjusting them, as necessary.

Source: Modified from Abrams *et al.* (2003)

Like any undertaking, managing a protected area is embedded in multiple levels of decision making ("governance") from international frameworks to the country's Constitution to regional land use plans. Decisions are also made at multiple levels, as those at one level may decide about the establishment of the protected area, those at another level may decide about its zoning, and those at yet other levels may determine regulations within these zones. To make the subject approachable, we will keep in mind the layers of socio-political influence that contribute to create each local situation, but will focus only on the protected area decisions that are *most specifically and directly relevant for the concerned biodiversity, natural resources and people*. Some such decisions are crucial for the achievement of the objectives of the protected area (management effectiveness),[25] others determine the sharing of relevant costs and benefits (equity), and still others help to prevent or manage social conflicts, and affect the level of support extended to the protected area by governmental agencies, communities, politicians and the private sector.[26] In all cases, governance is a determining factor for the achievements and impacts of protected areas.

[25] Leverington et al., 2010.
[26] Secretariat of the Convention on Biological Diversity, 2004, page 100.

Importantly, ***governance*** of a specific site or an entire system of protected areas ***can be assessed, evaluated and eventually improved***, i.e. rendered more effective for conservation and equitable with respect to its impact on people. As will be addressed in more detail in the following sections, the first step towards understanding governance of protected areas can be taken with the help of two main descriptive parameters:[27] ***governance type*** and ***governance quality***.

While governance arrangements for protected areas are quite diverse all over the world, the IUCN and the CBD distinguish ***four broad governance types*** (described more in detail in section 3 of this volume):

- governance by government (at various levels)
- governance by various rightholders and stakeholders together (shared governance)
- governance by private individuals and organizations
- governance by indigenous peoples and/or local communities

In turn, the ***governance quality*** of a protected area or of a protected area system, can be evaluated against a number of broad principles of "good governance" developed over time by UN agencies and adapted to the context of protected areas. These principles include: [28]

- legitimacy and voice
- subsidiarity
- direction
- performance
- equity
- do no harm
- accountability
- transparency
- respect for human rights

2. Conservation, protected areas and governance

The capacity of nature to regenerate and maintain itself is the essence of life on our planet. Within this much broader perspective, "conservation of nature" is a positive phenomenon, embracing human-originated protection, maintenance, sustainable use, restoration, and enhancement of the natural environment.[29] Protection is a conscious effort at avoiding or limiting the phenomena (natural or man-made) that may damage nature's capacity to self-regenerate. Sustainable uses strive for the maintenance of 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

[27] This was first clarified in the eve of the 2003 Durban World Parks Congress (Institute of Governance, 2002; Borrini-Feyerabend et al., 2002);
[28] Dudley, 2008; COP VII Dec. 28, 2004.
[29] IUCN, UNEP and WWF, 1980.

sustainable conditions, for instance via reforestation with locally native species and improvement of habitats for resilience and authenticity.[30]

Conservation happens in a variety of places, as a result of conscious and purposeful management efforts but also as an indirect consequence of other intentions and behaviours. It is a dynamic phenomenon, varying through time as a response to internal and external circumstances and strongly depending on human values and worldviews, knowledge and skills, policies and practices– in one word, "human institutions".

Box 2. Human institutions for conservation

Through history, successful human cultures pay great attention to their relationship with the natural environment. Among those that did not, or did not sufficiently, some ended in disaster and even collapse. The variety of human institutions specifically devised to take care of this relationship is enormous and beyond the scope of our analysis here. One example: throughout the rural villages of West Africa some specific families/clans are traditionally devoted to maintaining the spiritual ties between people and nature. These families— called in different places Balobero, Tigatu, Tendaana, etc.— are the descendent of the original inhabitants of the land and remain in charge of distributing land for people to cultivate according to their needs. They also maintain sacred groves and other forested areas ("the skin of the earth") and regulate access to wild products.

Another example: 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 the water can be obtained only by carefully timing rice cultivation in different fields in a rotational cycle. For that, while fields at the top are flooded and prepared for planting, the crop needs to be well-advanced in the middle terraces and already harvested in the lower ones. Such well-timed cycles require intense co-operation among all farmers in the *subak* (irrigation society), which is set in the context of the transcendent authority of Dewi Sri, goddess of rice and fertility. Every stage of water division 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 is 210 days, exactly the double of the local cycle for growing rice), and at each ceremony the *subak* farmers are reminded of the timings and sequence of the water flows. Thus, religious occasions, water management, rice production, spiritual life and social reciprocities end up closely merging to sustain livelihoods and agro-biodiversity. [31]

As societies have become less immediately and directly dependent on natural resources, the reasons for conservation and human institutions have also evolved. In Western Europe, North America and other industrialised countries, the drive for "conservation of nature" is increasingly linked more to ethical and recreational motivations than to direct livelihoods. New institutions develop to convey and defend such values, often associated with non-profit organisations and trusts. The emergence of

[30] Dudley, 2011.
[31] Reader, 1990.

this kind of institution appears to be associated with increasing affluence, and the fact that people spend much of their lives in urban areas, and in artificial rather than natural environments.

In terms of conservation efforts by State governments, protected areas are without doubt one of the most important institutions that States have ever devised. The vast majority of national States are today committed to meeting conservation goals and most of them rely for that on protected area coverage[32] that includes representative samples of all their main ecosystems and habitats. Overall, designated terrestrial protected areas cover more than 12% of the world territory.[33] Yet, formally designated protected areas are only one in the constellation of phenomena that constitute contemporary conservation on our planet. They are a major phenomenon, but not the only one that contributes to the conservation of biodiversity. If a country follows the IUCN definition of a protected area[34] it formally recognises as protected areas *only those sites managed with the primary and explicit objective of "nature conservation"*, regardless of their governance type. This leaves out areas and resources that are conserved with parallel purposes or which conserve biodiversity incidentally or as a secondary consideration (e.g. a wildlife reserve set up as a business by its private landowner; a sacred site protected as "home of the ancestors"; a fishery managed by a community to sustainably exploit lobsters for the international market; a military site with forbidden entry for security reasons, etc.). Depending on a variety of circumstance, these areas that result in lasting conservation outcomes may, at some point, be recognised as protected areas in formal systems, or may simply remain as "areas important for conserving biodiversity" in their own right.

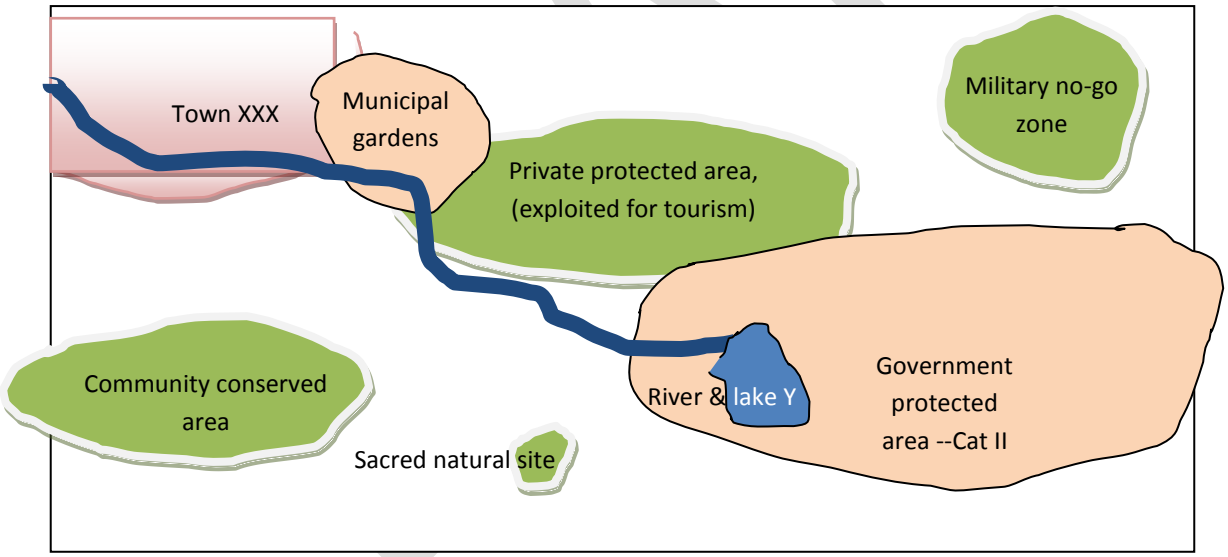

Figure 1. A variety of area-based phenomena contribute to conservation. In this example, areas depicted in green are not recognised as protected areas (some, but not all, might be in the future), while the areas in sepia are already recognised as protected areas.

Effective conservation involves a suite of initiatives, inside and outside formally recognized protected areas networks. Even the most optimistic scenario for protected area designation foresees that the

[32] See SCBD, 2010 and the online resources of the World Database on Protected Areas.
[33] SCBD, 2010.
[34] See Table 1 in section 1.2.

large majority of land and water including natural ecosystems will remain outside national protected area systems, but will contribute to biodiversity conservation, the functioning of ecosystems and sustainable development. Figure 1 pictures a variety of area-based phenomena that can exist separately or overlap in the broader landscape. *Some* of these and other similar management approaches are already or could in the future also be recognised as protected areas. But all such phenomena can contribute to conservation, although overarching regulations may be needed for them to be effectively integrated and mutually supportive. An assessment of governance arrangements as well as conservation outcomes can be instrumental in determining the conditions for their recognition, where feasible and desirable.

Recently, the CBD Parties responded to the complexity depicted in Fig. 1 when they stated that they aim at expanding and consolidating the coverage of their officially recognized protected areas as well as supporting "other effective area-based conservation measures".[35] It is apparent, in fact, that achieving the CBD's 2020 Aichi Biodiversity Targets of increased coverage, representativeness, efficiency and equity will hardly be feasible through formally designated protected area systems alone. Reaching the Targets will only be possible if measures are taken to involve the broadest possible range of rightholders and stakeholders, to diversify the governance types represented in protected areas systems, to recognize and support conservation efforts outside of such official systems, and to improve management effectiveness and the quality of governance both for officially recognized protected areas and for "other effective area-based conservation measures". An explicit process to identify areas that would qualify in due course as contributing to Aichi Target 11 will be a necessary development for the future. We will return to this in section 4.2.

2.1 Actors involved in governing protected areas

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/ should be entitled to take part in establishing and governing protected areas?

Different rightholders and stakeholders are, or assert that they should be, involved in governing protected areas for a variety of reasons, including:[36]

- ownership or legally recognized user rights to the concerned land or resources
- customary rights to the land and resources (even if they are not legally recognized)
- historic, cultural and spiritual association with the land and resources
- continuity of relationship (e.g. of long-term residents)
- specific mandate by the State

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[35] Aichi Biodiversity Target 11 of the CBD Strategic Plan 2011-2020 [35] 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.*"

[36] Adapted from Borrini-Feyerabend, 1996.

- direct dependence on the land and resources for subsistence and/or for basic family economy
- possession of knowledge and skills valuable for informed decision-making
- incurred losses, damages and other costs due to the establishment of a protected area
- high commitment and efforts invested in the area towards its conservation
- being a land and resource user (e.g. for recreation)
- having the mission and/or mandate to implement national or international conservation and development policies, conventions and agreements
- representing non-local interests of relevance to protected areas, e.g. with respect to biodiversity conservation and ecosystem benefits (e.g. water, climate, disaster prevention)

Many governments are today committed to recognizing and introducing a broader suite of governance arrangements for protected areas as they strive to achieve the goals of the PoWPA, now given renewed impetus in Target 11 of the Strategic Plan for Biodiversity. It is thus important that they clarify which rightholders and stakeholders, among ***State*** and ***non-State actors***, are to be involved in governance, and on the basis of what specific entitlements and/or characteristics and capacities.

State actors include:

- national or sub-national agencies responsible for protected area systems (including parastatal agencies)
- CBD focal points in each country, and in particular the PoWPA focal point
- legislators
- judiciary
- law enforcement agencies
- agencies and staff from various government sectors concerning natural resources (e.g. agriculture, forestry, fisheries, research)
- government departments interested in provision of food and water and disaster mitigation
- State commercial enterprises
- local protected area managers and staff (government personnel or contracted)
- local appointed authorities
- local elected authorities

For State actors, benefits in addressing governance of protected areas, including opening up to diverse governance types, can include:

i. ***Meeting targets for greater coverage of areas important for biodiversity and ecosystem functioning***. The use of the full suite of governance types would markedly support the achievement of this goal. Existing areas involving governance by indigenous peoples and local communities, by the private sector and in shared governance arrangements can be recognized, either as a component of the official protected area system, or through other means. Overall, as conservation needs to be balanced with livelihoods and other development goals, the engagement of actors outside of government is likely to increase the social acceptability and sustainability of the overall system. Ghana, for instance, has developed bylaws that allow it to

recognize traditional forms of conservation. In March 2005 an inventory of 3000 sacred groves had just been completed over the national territory.[37]

ii. ***Greater ability to build networks of protected areas leading to protection of larger landscapes/seascapes***. Recognizing and supporting different governance types in a protected area system can help to connect areas physically, counteract fragmentation, maintain species movement and migratory pathways, and allow for genetic exchange and other benefits of connectedness. Many community conserved areas, for instance, are already 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 State-run 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 and community conserved areas (ICCAs), providing crucial buffering functions and benefits to people.

iii. ***More effective conservation.*** Achieving the goals of a protected area will greatly depend on how and by whom management decisions are being made and implemented. Involving local actors in decision-making will lead to greater participation and, as a likely consequence, greater acceptance and public support for the protected area. It will 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 have unique knowledge on how to manage landscapes through timely, controlled fires. In addition, transparent and accountable decision-making institutions may more effectively carry out conservation measures, adopt adaptive management and provide timely and adequate responses to changing conditions.

iv. ***Greater savings and/or generation of resources***. The involvement of a range of governance types within the protected area system is a cost-effective conservation measure since it recognizes 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 protected areas, 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. Decentralized governance models can also save resources by devolving decision-making to the local level and reducing administrative costs. In addition, when complementarity can be achieved between conservation and development goals, 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).

[37] Director of Wildlife Resources, Ghana, personal communication to G. Borrini-Feyerabend during the IUCN assisted Bolgatanga workshop, March 2005.

v. ***More resilient systems***. All governance institutions, be they government agencies, private landowners, companies, multi-actor partnerships, community-based organizations or traditional/ indigenous institutions may go through periods of instability, dysfunction or inactivity. For instance, what is today the Community Reserve of Lac Telé - Likuoala aux Herbes, in the Republic of Congo, used to be a State-governed protected area. During a long period of political instability, the area was all but abandoned by the state agencies. Fortunately, the local communities kept caring for and protecting wildlife.[38] 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 reserves on state land 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.

vi. ***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 often 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 have encouraged landowners to group together and create conservation Trusts— with or without concurrent land easements or servitudes— in exchange for tax incentives from State governments. 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.

Box 3. 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 shared-governance. In 1998, the National Parks System implemented a Policy for Social Participation in Conservation,[39] and moved towards much 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.

Since 2002, the Wildlife (Protection) Act of **India** 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 as Conservation Reserves (on lands owned by the government) and Community Reserves (on the lands owned by the individuals or held as common property resource), respectively. Neither arrangement is novel, however, and neither fully embraces community governance. Conservation Reserves allow the inputs of various rightholders and stakeholders only in advisory capacity, whereas Community Reserves cannot be

[38] Pierre Oyo, personal communication, 2003.
[39] Parques Nacionales de Colombia, 1999.

declared on government lands (where most CCAs are located). In addition, both prescribe a uniform institutional structure without recognising the diversity of ICCAs and neither can be declared within existing PAs.[40] Greater legal space for ICCAs in India exists outside of the protected area policy, in the form of some 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 for forest ecosystems.

In **Ecuador**, new actors were recently incorporated in the management and 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 Decentralized Governments—administered and managed by the autonomous decentralized 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 MFA is currently defining the legal framework, guidelines and standards for each of these governance types.[41]

Non-State actors include:

- protected area managers (such as members of customary institutions governing indigenous peoples' territories or community conserved areas, or landowners of private reserves)
- resident indigenous peoples and local communities, as well as users of areas in and around State protected areas (both mobile and settled communities) including:
- those who directly depend on natural resources
- those who depend on natural resources only indirectly
- 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 the protected areas at stake
- civil society groups and organisations concerned with conservation and sustainable development
- 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 or tourism companies, water companies, agricultural companies or those who wish to extract resources from within the protected area
- companies that own or manage land within a protected area or wish to establish a protected areas on their own land

[40] Pathak and Bhushan, 2004.
[41] Ministerio del Ambiente del Ecuador, 2006.

- resource users (including bio-prospectors) with an interest in biological diversity, knowledge and know-how and/or ecosystem services from the protected area
- distant rightholders and stakeholders with an interest in and concern for protected areas for historical reasons, identity reasons, recreation, etc.

For non-State actors, the reasons for becoming involved in the governance of protected areas possibly vary even more widely than for State-actors. Some of these reasons include:

i. ***Securing local strategies for natural resource management and livelihoods***. Local actors usually depend on the natural resources that protected areas seek to conserve, derive their livelihoods from these resources and directly benefit from ecosystem services in many ways. For this reason alone, they have a clear inherent interest in being involved in decision-making processes and negotiating a fair share of the costs and benefits associated with conservation. Specific concerns can include maintaining access to needed resources, managing human-wildlife conflicts or receiving an equitable share of the economic benefits generated by a protected area (for example through conservation payments, the creation of jobs or markets for local products). Many local communities, moreover, have extensive knowledge about local biodiversity and have developed sustainable resource management strategies and institutions over time. In Lao PRD, for instance, local communities have in-depth knowledge of aquatic biodiversity and are the first to propose to the government the regulations they themselves will observe for the sake of sustainable ecosystems. Involving local actors in the governance of protected areas can ensure that this knowledge is maintained and used, and that capable local institutions remain alive.

ii. ***Recognition and support for conservation achievements.*** Substantial conservation efforts by non-State actors— be these indigenous peoples, local communities or private landowners— exist alongside protected areas governed by the State. While these areas have often been conserved independently, official recognition of these forms of governance can help to sustain them in the future – for example by giving them legal protection against threats or providing financial or technical support. For indigenous peoples and local communities, a significant aspect is the recognition and respect for the customary governance systems that have assured the conservation of these territories and areas in the past. For instance, 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.[42]

iii. ***Clarifying of roles and conflict management***. A wide range of actors are involved in the use and conservation of resources in and around protected areas. Especially when protected areas are to be integrated into larger landscapes and seascapes, conservation needs to take place on lands with overlapping, and sometimes conflicting jurisdictions, ownership or use-rights. Non-State actors (as well as actors from different State institutions) have an interest in clarifying their roles and responsibilities and in obtaining legal certainty. A higher level of certainty increases the motivation of actors to engage in conservation efforts, and the clarification of roles can help to

[42] Wild, 2008.

avoid or manage conflicts. Within local communities, local governance arrangements also help to reduce internal conflicts over resources. Lonjsko Polje Nature Park in Croatia protects one of the largest remaining semi-natural floodplains in Europe, with rich bird diversity, and consists of a mixture of state and private land, where park managers and farmers collectively work out pasturing arrangements to maintain a unique mix of cultural and natural landscape.[43]

iv. ***Respect for identity, values and rights.*** Indigenous peoples throughout the world seek control over their traditional territories also because those are central to their cultural identity and their right to self-determination, as articulated in the United Nations Declaration on the Rights of Indigenous Peoples.[44] This is particularly true for the territories and areas that are best conserved, which at times have been taken over by powerful actors or appropriated by the State as part of its protected areas. Maintaining or regaining decision-making rights over their customary territories and areas is a powerful objective for indigenous peoples and local communities, which can also serve as incentive to maintain their bio-cultural values. A typical example is the one of the Sherpa people of Nepal, who are strongly engaged in getting full recognition of their role of caretakers of Khumbu, their ancient territory, much of which is today under government control as Sagarmatha National Park.[45] More generally, a key motivation of many actors to engage with protected area governance is to improve governance *quality* - i.e. achieving more equity, legitimacy and accountability in the decision-making processes that affect their resources and livelihoods. This concerns both the governance arrangements between different rightholders and stakeholders as well as internal governance systems, for example within a given community.

2.2 Governance instruments and powers

As we have seen, governance refers to the institutions and processes used by rightholders and stakeholders to influence and make decisions and exercise authority. Those involved in the governance of protected areas can in practice make use of a variety of ***avenues, instruments and resources to exercise*** such ***influence and authority***, including:

- ***national legislation, policies and rules*** e.g. for establishing roles, responsibilities and accountability
- ***local regulations*** e.g. for timing the use of a resource, opening or closing access to an area, allowing or disallowing a particular technology
- ***various forms of advice***— technical and/or moral—regarding what kind of management might be effective, desirable, proper, etc.
- ***social incentives and disincentives***, such as recognition and esteem, ostracism, etc.
- ***financial incentives and disincentives***, such as fees and taxes
- ***financial investments***, e.g. in programmes, infrastructure, etc.

[43] Gugíc *et al.*, 2012.
[44] United Nations, 2007.
[45] Stevens, 2008. Sagarmatha is also known as Chomolungma/Mt. Everest National Park.

- ***investments of time and labour,*** e.g. for private landowners or community members voluntarily engaged in restoration activities or surveillance
- ***information, communication, and resources to meet, discuss and negotiate***, including forums and platforms (one-time and on-going occasions), meeting venues, means of transportation, telephone and computer facilities, etc.
- provision of ***material or administrative support*** to meet the protected area needs
- provision of relevant ***research initiatives and training programmes***, e.g. to better understand and respond to management problems
- ***physical barriers and active enforcement*** to prevent violations of rules

The ability of rightholders and stakeholders to use these avenues, instruments and resources will depend on the ***powers*** they hold in the specific national or local context. 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 management plan
- ***revenue-generating powers***: commonly in the form of fees, licensing and permits and, in some situations, in the form of property tax
- ***spending powers***: related to surveillance and law enforcement, development and maintenance of infrastructure (trails, roads, interpretative facilities, etc.), training and research initiatives, etc.
- ***the power to convene others and develop agreements***: concerning the sharing or delegation of the three powers above: this includes the authority to officially establish power-sharing arrangements, their mandates and operating rules (e.g. for shared governance boards, councils, etc) or to create agreements with others responsible for land use in adjacent lands
- ***the power of knowledge and know-how:*** possessing relevant information and skills; diffusing and regulating access to information through formal or informal communication avenues (e.g. information related to planning, research, decision-making, monitoring and evaluation results, etc.)
- ***the power of enforcement***: the ability to enforce decisions, rules and regulations through a variety of means, including social consensus and legitimacy, legal backing, political pressure, fines, the judiciary, police and military force, or the sheer possession of means of surveillance, weapons and physical strength

Interestingly, all rightholders and stakeholders in society can be seen as possessing a measure of all the powers listed above—although those measures differ quite widely. ***It is usually a combination of such powers, strategically applied through various avenues and instruments, which results in* de facto *governance for a given protected area.***

Societies recognise "rightholders" as the social actors that legitimately hold one or more of the powers listed above (and sometimes also others, such as the power to transfer ownership to others). In this sense, private ownership provides the strongest bundle of recognised decision-making powers on land and resources in the majority of countries. Even private ownership, however, does not entitle the owner in an absolute way. It may not, for instance, confer subsoil rights, or the State may legislate to limit ownership rights in certain environments (in particular in protected areas) and reserve the faculty of expropriating land and resources on the basis of national interest. Moreover, in many countries even on private land there are controls on clearing forests, cutting trees, digging up wild plants, polluting water and killing animals. Conversely, lack of ownership does not automatically mean lack of powers or influence. For instance, it is not uncommon that local resource managers *de facto* assume regulatory and enforcement powers in State-owned land.

Box 4. 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 2140 km^2 of mountain, moorland and coast in Wales (UK). This category V protected landscape provides an estimated £60 million value each year – mostly as tourist attraction for its spectacular scenery— and has around 4,000 associated jobs. But almost 70 per cent of the protected area is in private ownership, around 10 per cent by charitable organisations (mainly the National Trust). The remainder of the protected area is under State ownership, primarily by the Forestry Commission. The National Park Authority (NPA) itself only owns 1.2 per cent.

Overall, the legal decision-making authority for the protected area lies with the government, and many specific national park issues are dealt with by the NPA. Control over State land, however, remains with various government departments, and at times those are not in agreement (in the past, the state forestry body has not always been in line with conservation objectives... but the situation is changing). Moreover, local town and village authorities have some influence within their boundaries, and individual owners 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). In the last decades, European Union grants and subsidies have also had an enormous impact on choices about management strategies, again not always in line with overall conservation objectives. National government priorities (now divided between the UK as a whole and the devolved government of Wales) can over-ride all other bodies in certain situations with respect to transport, power supply, etc. And decisions by a small number of landowners can affect the landscape and natural values that encourage tourism, which provides a far greater input to the economy overall than either forestry or farming. Overall, a good part of the management decisions for Snowdonia National Park thus need to be taken by the NPA after considerable negotiations.

2.3 Levels of governance

Protected area governance takes place at a number of levels:

- ***international***: through global agreements such as the CBD, the Convention on Migratory Species, the Convention on Wetlands of International Importance, the World Heritage Convention, the UNESCO Man and the Biosphere Programme and various conventions on global trade issues, including CITES
- ***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 or the Convention for the Conservation of Antarctic Seals
- ***bilateral***: through agreements between two countries, e.g. for transboundary conservation areas or broader agreement (e.g. the China Australia Migratory Bird Agreement)
- ***national***: through laws and policies made by national governments, and decision-making powers of executive agencies
- ***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 rightholders and stakeholders, and usually including professional managers, funders and investors, local authorities, communities, etc.

Different forms of ***legal, institutional and customary governance*** interact in every society and culture, and factors such as ethnicity, religion, gender or belonging to a given clan can play an important role in determining how rules concerning local resources are developed, understood and respected. This is particularly true for natural resources under customary governance and common property, including resources that are officially State-owned but are *de facto* collectively managed by local communities. In such situations it is frequent to find a variety of culture-related institutions, which can have remarkably positive results for conservation. Such institutions may be invisible to non-locals but nevertheless play key roles in decision-making about conservation in general and protected areas in particular. Depending on the context— and, at times, also depending on the capacities and openness of the individuals in charge— such customary governance systems can mesh positively with formal institutions and legal governance mechanisms, or the two systems can be in contradiction and conflict.

Box 5. Changes in governance, changes in conservation…

The Borana peoples have been using for centuries a large territory straddling the border between Ethiopia and Kenya— a large and 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 different 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 praised elements of the overall 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 climatic regulatory factor 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 and the soldiers and other newcomers established some main 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) on a total surface equivalent to 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 seemed to hasten 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 State governance, unsustainable exploitation spelled disaster for the 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. This needs to happen as rapidly as possible, however, if it has any remaining chance to succeed.

Sources: Bassi and Tache, 2011; Bassi and Tache, 2008.

Local processes and powers are in principle always subject to the overarching laws and policies at national, federal and international levels. In some cases, policies of decentralisation devolve explicit powers to the local level, where binding decisions can be made. In other cases, where national powers and influence are weaker (e.g. due to the remoteness of an area and/or weak enforcement capacities of the State), local actors remain the primary *de facto* decision-makers regardless of State legislation. In most cases, however, the national legal framework has a powerful influence on the governance and management of natural resources in general and protected areas in particular. For instance, the way in which rights, resource uses and land tenure are defined in national law and the degree to which national policies allow for decentralization often set the boundaries of what is possible in terms of shared authority at the local level.[46] More specifically, the involvement of rightholders and stakeholders in protected area decision-making is "secured" only if the national protected area legislation allows it as a legally-sanctioned governance model.

Understanding protected area governance involves clarifying where rights, responsibilities and accountability lie. In some cases, the challenge may begin at the point of identifying which regulations and other governing instruments apply in a specific protected area. Governing bodies at

[46] Surkin, 2011.

different levels, with different degrees of official recognition and from various social and economic sectors (such as forestry, agriculture, fisheries, energy), can sometimes overlap in claiming jurisdiction to make and enforce laws, policies and rules. The same ecosystem (a forest, a savannah, a lagoon,) or the same activity (the harvesting of plants, commercial fishing, local trapping and hunting) may be subject to diverse rules and regulations. A local authority (e.g. a government district office or a protected area co-management board or a community institution) may be the source of some regulations, while a regional or national governance body (e.g. a State, provincial or national government department or a regional governing council for several protected areas) may establish other relevant rules. These sets of rules may complement or contradict each other, and the interplay, and interaction with pre-existing customary governance patterns may lead to confusion and conflicts, especially between old and new ones.

In sum, the governance of a particular protected area is the result of processes of developing and exercising authority and responsibility over time, shaped by history, culture and the interplay between locally-exercised powers and sub-national, national and sometimes international powers, policies and laws. The resulting governance institutions can be simple or complex, formal or informal, and at times comprising multiple bodies with multiple functions (e.g. different bodies with advisory roles, decision-making roles and executive roles[47]). Establishing an ***effective governance system*** for a protected area means finding ***a good working balance between multiple levels of powers*** encompassing history, culture and innovation, locating avenues and instruments for those powers to be ***positively exercised***, and remaining ***flexible, adaptable and capable of responding to the ever-changing needs of*** **in situ** ***conservation.***

3. Governance types

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 aristocracies who set aside areas for wildlife and hunting pleasures.[48] Starting in the 19th Century and greatly accelerating in the 20th Century, however, 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 runs each National Park in France). In parallel, community-based and private conservation initiatives have continued to exist and develop. In the best of cases, these different systems of protected areas and other area-based conservation initiatives have remained complementary and mutually supportive. In other cases, the relationship becomes conflictual, and leads to the contestation of roles and responsibilities between State and non-State actors. At the level of international policy, as noted previously, the CBD PoWPA encourages parties to give full expression to a range of governance arrangements in national systems of protected areas.

[47] See Figure 2 below.
[48] See, for instance, Adams and McShane, 1992; Diegues, undated; Posey, 1998.

The governance arrangements in and around protected areas can involve multiple levels of institutions, mandates and interests. In order to classify the range of possible realities, both the IUCN and CBD[49] recognise and distinguish four broad protected area governance types:[50]

Table 4. Governance types for protected areas

Governance Type	Sub-types
Type A. Governance by government	• Federal or national ministry or agency in charge • Sub-national ministry or agency in charge • Government-delegated management (e.g. to an NGO)
Type B. Shared governance	• Transboundary governance (between one or more sovereign States or territories) • Collaborative governance (various forms of pluralist influence) • Joint governance (pluralist management board)
Type C. Private governance	• Protected areas declared and managed by individual landowners • ...by non-profit organizations (e.g. NGOs, universities) • … by for-profit organizations (e.g. corporate owners, cooperatives)
Type D. Governance by indigenous peoples and local communities	• Indigenous peoples' conserved territories and areas – established and managed by indigenous peoples • Community conserved areas and territories – declared and managed by local communities

Notably, Type A and B are usually declared and managed by State agencies, alone or in partnerships with others. Type C and D are increasingly subsumed under the term of "voluntary protected areas"[51] and can be relatively independent of government recognition and support. Some large and complex protected areas, involving many underlying designations, may include multiple governance types within their boundaries, possibly under the umbrella of an overview authority. For instance, iSimangaliso Wetland Park, South Africa's first World Heritage Site, brought together sixteen individual land parcels, initially designated under a diverse set of laws, under the jurisdiction of a statutorily defined World Heritage Authority.[52]

The four main governance types for protected areas are reviewed more in detail below.

3.1 Type A. Governance by government

In this case, one or more government bodies (such as a Ministry or Protected Areas Agency reporting directly to the government, or a sub-national or municipal body) holds the authority, responsibility and accountability for managing the protected area, determines its conservation objectives (such as

[49] Dudley 2008; CBD Decision X.31, COP 10, Nagoya, 2010.
[50] IUCN, 2004; CBD COP Decision VII.28 (Programme of Work on Protected Areas), Kuala Lumpur, 2004; SCBD, 2004; Dudley 2008; COP Decision X.31 on Protected Areas, COP 10, Nagoya, 2010.
[51] Lausche and Burhenne, 2011.
[52] http://www.isimangaliso.com

the ones that distinguish the IUCN categories) and develops and enforces its management plan. Often, the State owns 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 NGO, private operator or community. Under the State's 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.

In the last 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, [53] although this is very variable from country to country. In Western Europe, for instance, legislative and budgetary responsibilities for nature conservation are more likely to sit at sub-national levels (e.g. Italian and French regions, German *Bundesländers* and Spanish *comunidades autónomas*) while protected areas in Eastern Europe are still rather centralised. The social forestry movement[54] and the expansion of participatory approaches in development and conservation initiatives[55] are other major components of a decentralisation trend that has been blurring the line between governance types for natural resource management and conservation at local/ municipal level.[56] For instance, municipal protected areas that would fall unequivocally under Type A in the absence of decentralization policies, acquire characteristics of Type D when authority and responsibilities over natural resources are effectively decentralized. In the latter case the impulse and decision to conserve may indeed originate from local communities, and managers can therefore be called to be accountable to them. In some countries, however, protected area authorities remain remote and powerful bodies unwilling to open their doors to other stakeholders and unwilling to report about their decisions and their consequences. Attitudes regarding protected areas generally mirror general governance approaches within the country, although in many places, enlightened protected area managers are leading the way in promoting policies of participation. Some examples of the possible governance arrangements in Type A are outlined in Box 6.

Box 6. Various types of governance by government

Governance by federal or national government. At 972,000 km^2 in extent, the Northeast Greenland National Park is the largest protected area in the world, and has no permanent human habitation. It is managed by the Greenland Department of Environment and Nature and 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

[53] 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., 2004; Lokwood et al., 2006; Kothari, 2006; Balloffet and Martin, 2007; Lausche, 2011.
[54] Cronkleton, P. *et al.*, 2008.
[55] Thompson, 1995.
[56] Smith, 1985; Crook and Manor, 2000; Ribot, 2004a; Ribot, 2004b.

catchments to the north and east of Melbourne, around half of which is 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 has some legal power to protect water resources. Melbourne has been recognized as having the highest quality drinking water of any Australian city.[57]

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 regarding all protected areas in the country. 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) would also interact with and involve the local ratepayers' associations and local community groups. In this case the "Friends of Zeekoevlei and Rondevlei" is an apolitical, community-based non-profit organisation that assists the nature reserve authorities.[58] The communities have thus the right to be consulted but not to make the actual decisions regarding this protected area, which is under the control of the municipal government.

Governance of state-owned land delegated to an NGO. In the Seychelles Islands, two state-owned protected areas are managed for the government by the Seychelles Island Foundation (SIF), an NGO. Aldabra Atoll, the world's largest coral atoll, and Vallée de Mai, a palm forest, are also both World Heritage Sites recognized by UNESCO. Aldabra is extremely remote and uninhabited; it is managed by a small permanent staff and visits are by arrangement. Valle de Mai is, by contrast, a major tourist destination.

Governing State protected areas may become 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 in Europe[59] and, for indigenous people's customary rights, this is the case for about 80 per cent of large protected areas in Latin America.[60] 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. Depending on the situation, the capacities and willingness of governmental agencies and other rightholders and stakeholders to negotiate this complexity can lead to a variety of outcomes.

In the case of most marine protected areas, ownership rests with the State, which manages them directly or in partnership with other actors. Regardless of ownership, however, many marine areas

[57] Melbourne Water, 2002.
[58] http://www.zeekoevlei.co.za/friends-of-zeekoevlei-rondevlei/
[59] European Environmental Agency report on Protected Areas in Europe (non-edited draft available from Internet, accessed 2012).
[60] Amend and Amend, 1995.

are conserved under local voluntary governance and customary laws, remarkably respected by the society at large.[61]

3.2 Type B. Shared Governance

Protected areas under shared governance are based on institutional mechanisms and processes to share authority and responsibility among several actors, formally and/or informally entitled. Worldwide, this is a widespread governance modality and countries have been experimenting with a variety of mechanisms and processes, several of which have now been formally adopted as part of laws, policies and administrative arrangements.[62] By no means, however, are such mechanisms and processes unique to protected areas, as learning in "shared governance" is concurrently taking place and evolving in numerous fields and settings.[63]

Given the lack of clear distinction that has persisted for a long time between "governance" and "management" it is no surprise that shared governance arrangements are still often referred to as co-management, collaborative management, joint management, or multi-stakeholder management. In "collaborative management" (or ***"collaborative governance"***), decision-making authority and responsibility generally rest with one agency but the agency is required, by law or policy, to inform or consult other rightholders 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, to be ultimately submitted to a decision-making authority for approval. In such situations, the advisory body that develops the technical proposal takes on an important level of influence on the actual decisions. A graphic representation of such a mechanism is depicted in Figure 2 below.

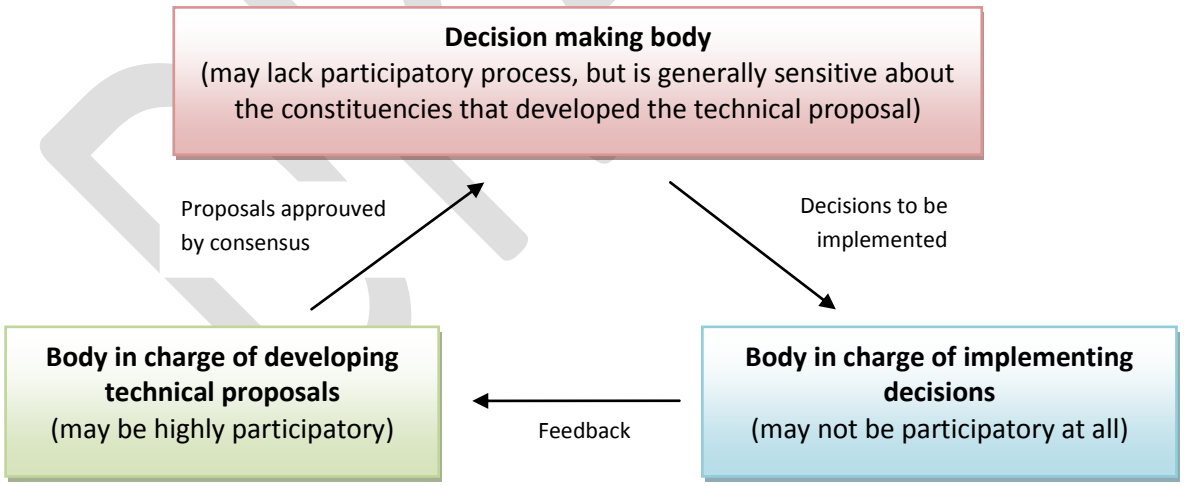

Figure 2. A schematic example of a strong "collaborative management" situation, inspired by the governance setting of the marine and coastal component of Galapagos National Park. Many other combinations are possible.

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[61] Techera and Troniak, 2009; Nursey-Bray, 2011; Cinner et al., 2012.
[62] Dearden *et al.*, 2005.
[63] Borrini-Feyerabend et al., 2004a.

In full ***shared governance*** situations (which used to be called "joint management"), the representatives of various entitled actors (constituencies) sit on a governance body with decision-making authority and responsibility and take decisions together (see Figure 3 for a graphic representation). Three further elements strongly characterise this option. The first and most important is the decision-making modality. If decisions can only be taken by consensus rather than by majority vote, the power leveraged by any single participant or any minority in the governance body is clearly increased. A second element has to do with transparency in decision making. If the discussions, arguments, negotiations, alliances and decision-making process in general are open to public scrutiny, equity and accountability are likely to improve. The third element has to do with how well and how faithfully the "representatives" in the governance body report to their constituencies and how faithfully they actually "represent" them in the decision-making body.

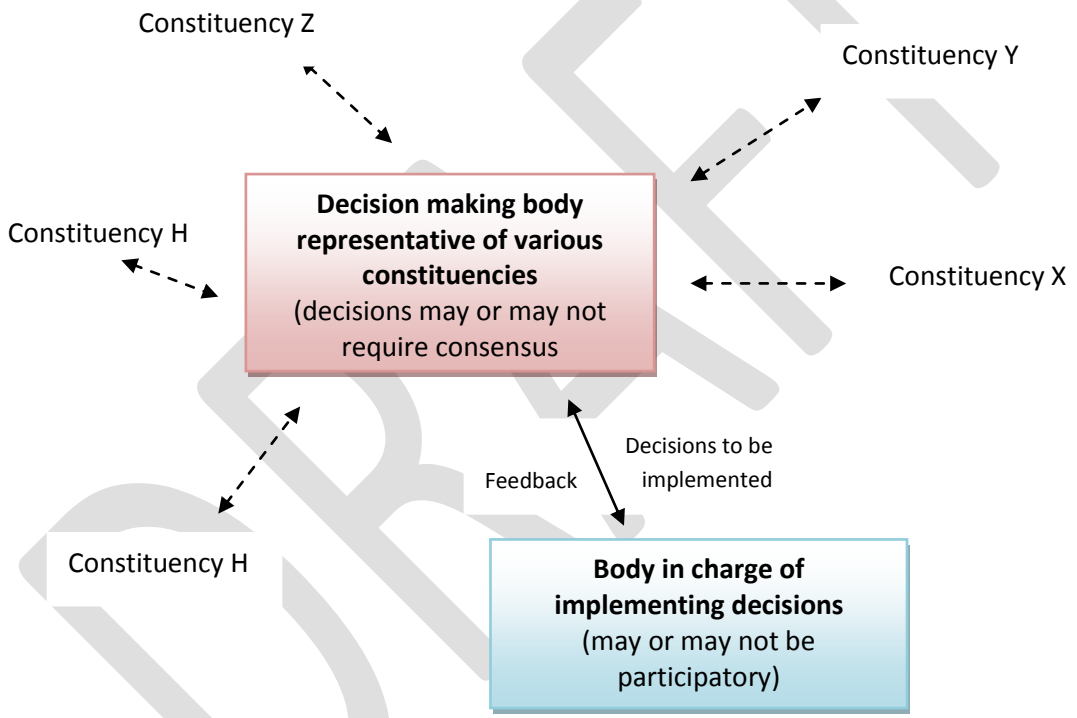

Figure 3. A schematic example of a full shared governance setting, where communication and feedback with individual constituencies are crucial, as is the transparency of the whole decision-making process.

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

As most formally designated protected areas in existence today were established by governments, even those that engage a variety of rightholders 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 national and sub-national government. In that case we more appropriately speak of 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 Box 7 and Box 8 for examples). In international waters and the Antarctic, where no single State has full authority, protected areas inevitably need to be under a shared governance type.

Box 7. Examples of 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 resulting in their 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".[64]

- ✓ **Country-wide policies inscribed in legislation**. France has experimented with collaborative management of "regional nature parks" 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.[65] Since new legislation was approved in 2006,[66] also all National Parks of France have adopted a very similar shared governance model.

- ✓ **Specific agreements negotiated on a case-by-case way.** Thirteen National Parks in Canada are governed collaboratively between Parks Canada and the First Nations' indigenous peoples on whose territories they are located. Over 18 million ha are thus governed by cooperative management boards. While these areas are "set aside" for the benefit of all Canadians, the First Nations maintain their exclusive rights to continue traditional activities or start new ones that are in consonance with the agreed conservation objectives. Additional economic benefits are generated from ecotourism.[67]

- ✓ **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

[64] Leisher *et al.*, 2007.
[65] Federation des Parcs Naturels Régionaux, quoted in Lockwood et al., 2006, page 530.
[66] French Republic, 2006.
[67] Johnston, J., quoted in Lockwood et al., 2006, page 533.

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. Through a stakeholder dialogue facilitated by GIZ, and involving EPS Moyobamba (the public company responsible for water supply in the city), a payment/compensation scheme for ecosystem services was designed. 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, including a platform to connect the upper and lower watershed stakeholders and to facilitate the participation of different stakeholders in decision-making.[68]

- ✓ **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. 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 was the end of Kruger. Yet, an agreement was forged between the community possessing customary rights and South African National Parks (SANParks) to collaboratively manage the area 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 benefits from tourism generated in the area go back to the local communities.[69]

- ✓ **Co-management 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. A co-management committee was formed with the clear understanding that community rights to traditional lands would be recognized, 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 part of the tensions between the government and the Mapuche and made the park's management more effective.[70] The Mapuche people, however, are now looking into the potential transformation of the area into a fully fledged ICCA.[71]

- ✓ **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 organisations were created and officially recognised for all protected sites in the national system. Some of these organisations are not yet fully operational and need to be better

[68] Renner, personal communication, 2010.
[69] Fabricius 2006.
[70] Carpinetti and Oviedo 2006, quoted in Lockwood et al., 2006, page 541.
[71] Confederation Mapuche de Neuquen, 2009.

trusted even by their most directly-concerned stakeholders... as governance changes take time to be understood and become effective. "One size-fits-all" approaches are also not entirely more effective[72] and more flexible, and context-fitting shared governance structures will need to be developed. Overall, however, the change in protected area policy, practices and attitudes is substantial and can now hardly be rolled back. [73]

One particular form of shared governance relates to transboundary protected areas, which involve at least two or more governments and possibly other local actors.[74]

Box 8. Transboundary protected areas

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*."[75]

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

Transboundary protected areas also present unique governance challenges. On the one hand, they typically involve and affect many parties, and thus require some form of coordination and shared governance. 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 can also involve the Foreign affairs, Agriculture, Fishery, Minerals and Forestry ministries of those governments; several State, provincial, district or local authorities; indigenous peoples and local communities; private landowners; and international NGOs. Often there are multiple legal systems at

[72] World Bank, 2009.
[73] De Cosse et al., 2012.
[74] Dudley, 2008.
[75] Sandwith et al., 2001. Notice, however, that a new definition is being developed that will soon more closely accord with the new IUCN definition.

play, and the laws of various national or sub-national political units may confer different sets of rights and obligations upon institutions and individuals.

Governance challenges specific to transboundary protected areas [76] 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 scale of basic maps can cause misunderstanding (but can also be a source of diverse capacities and complementary resources)
- different capacities, resources, commitment or authority of protected area institutions and staff across 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 trans-boundary cooperation
- armed conflict, hostility or political tension between countries can make cooperation difficult, or even impossible

✓ The **Cordillera del Condor** Transboundary Protected Area 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 include an exceptionally rich biodiversity and several endemic species and 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, the support to sustainable development projects for local communities and the involvement of the governments of Ecuador and Peru in the process of creating a transboundary protected area. A bi-national steering committee now oversees this initiative and manages the areas "jointly held" between the two countries.[77]

✓ The **Fertő-Tó-Neusiedler See** transboundary national park covers a wetland area of approximately 300 km² 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 the joint national park. In Austria, this meant engaging over a thousand families in seven villages, the rightful landowners of about 100 km² 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

[76] Sandwith et al., 2001.
[77] http://www.tbpa.net/page.php?ndx=59

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 will remain in close permanent cooperation on issues such as management of cultural landscapes, visitor management, education, public relations, data exchange, inventorying and monitoring.[78]

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 time even necessary for the success of management activities. Conversely, indigenous peoples, local communities, and private parties 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 good examples of shared governance are emerging, the process still faces many challenges,[79] including:

- inadequate or absent legislation and policies in many countries
- application of rigid, universally applied 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 commitment
- inadequate capacity amongst various partners
- lack of tenure security for communities, resulting in poor commitment to decisions
- continuing threats from external sources including "development" processes and projects

3.3 Type C. Governance by private actors

Private governance comprises protected areas under individual, NGO or corporate control and/or ownership. Some such schemes include profit motives, while many do not. Typical examples of the latter are areas acquired or leased by NGOs explicitly for conservation. Many individual landowners also pursue conservation out of respect for the land and a desire to maintain its aesthetic and ecological values. Financial benefits, such as revenues from ecotourism and controlled hunting, or the reduction of levies and taxes because of State incentives to conservation, often support this governance type.

In protected areas under private governance (also called private protected areas or PPAs), the authority for managing the protected land and resources rests with the landowners, who determine the conservation objective, develop and enforce management plans and remain in charge of

[78] Diehl and Lang, 2001.
[79] Borrini-Feyerabend et al., 2004b.

decisions, subject to applicable legislation. In cases where there is no official recognition by the government, the accountability of private protected areas to society remains limited. Some accountability in terms of long-term security can be negotiated with the government in exchange for specific incentives (as in the case of Easements or Land Trusts).[80]

Like the other protected area governance types, PPAs are also of diverse kinds and involve a variety of rightholders and stakeholders, including:

- individuals (for areas in which ownership is held by a single person or family)
- corporations (for companies or groups of people authorized to act as a single entity, usually controlled by an executive, an oversight board, and ultimately individual shareholders) [81]
- non-governmental organizations (private not-for-profit organizations operating to advance a specific mission and usually controlled by a board and specific regulations; this can include religious bodies or organisations with research or training missions)

A great share of global biodiversity occurs on privately owned lands. Private sector bodies can be important owners and managers of areas set aside to protect nature. In Africa, for example, a long history of private 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, the non-governmental organization *The Nature Conservancy*, owns the largest PPA system in the world with more than 1,300 protected areas covering well over half a million ha.[82]

The creation of a private protected area is nearly always a voluntary act on the part of the landowners. The State and others, however, can promote and recognize this in various ways. Mechanisms and incentives to encourage private landowners to protect part of 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[83] are an example
- ***voluntary surrender of legal rights*** to land use on private property, sometimes incentivized 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 along with 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

[80] Brown and Mitchell, 1998.
[81] Dudley and Stolton, 2007.
[82] Langholz and Krug, 2004.
[83] Schiavetti, 2010.

In rare cases, a private protected area can be created by involuntary surrender of some management rights in response to legal restrictions.[84]

Box 9. Various forms of private governance

- ✓ **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 Coigue, Lenga and Araucaria species and is home to many animal flag species 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 Fundacion Lahuen, the NGO that today holds title to the 524 ha of Santuario El Cañi. The NGO established an early stage dialogue with the adjacent community and offered capacity development initiatives to train local guides. Today the local Cañi Guides Group manages the Sanctuary and offers training and environmental education programs 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 program, Cañi survives through visitors' donations.[85]

- ✓ **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 1a), which is part of the Discovery Coast Atlantic Forest Reserves UNESCO World Heritage site, in the States of Bahia and Espírito Santo. The WH site consists of eight separate protected areas containing 112,000 ha of Atlantic forest and associated shrub (*restingas*). In total the Discovery Coast Atlantic Forest Reserves conserve almost 80 per cent of 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.[86]

- ✓ **Protected areas established through conservation easements.** A conservation agreement between TNC 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.[87] 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 with the preserve. The Gearhart Bog Preserve features several rare plant

[84] Dudley, 2008.
[85] Eliana Fischman (elianafischman@gmail.com), personal communication, 2012.
[86] Stolton and Dudley, 2007.
[87] Ibid.

communities and at just over 140 ha is the largest contiguous wetland of its kind remaining on the Oregon Coast.[88]

- ✓ **Protected areas established as tourism businesses**. Namibia hosts many individually-owned private protected areas, usually combined with tourist accommodation and personalized 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.[89]

Although coverage has expanded rapidly in the past few decades, private protected areas remain largely un-documented and little knowledge exists on the different facets of their governance structures. They have a distinctive nature, in fact, which has consequences in terms of accountability. Few countries have laws applicable for private protected areas but, where they exist, they influence their decision-making and authority. For example, in some countries PPAs are subject to legally binding conditions and restrictions regarding land use practices, e.g. in South Africa where landowners can apply for the designation of private protected areas under local, provincial or national laws. In cases where a PPA holds formal government recognition, and hence forms part of the national protected area system, the private area constitutes a societal decision for a commitment to nature conservation, which implies writing the conservation restrictions into the property deed and thus maintaining those in place by law even if the land is sold. In other words, the owners owe some accountability to the public,[90]but it is not always clear what this actually entails. This is rendered more complex by the various forms of government financial and technical assistance or incentives, like property tax exemptions for lands placed in conservation status and for-profit-schemes through payments for ecosystem services, which clearly influence the decisions to create PPAs and their regulatory and planning powers. In South Africa, the landowner must enter into a contractual stewardship agreement with the state; the agreements can vary in terms of the duration and complexity of the management arrangement.[91]

Examples indicate that there is an increasing tendency for multiple private landholders to form collaborative conservancies that jointly manage large conservation units in which individual ownership is still retained, but the PPA units are effectively managed as a single entity.[92] This means the single private landowners are accountable to one another. This may also result in enforcing common conservation objectives and management plans.

As is true for other types of protected area governance, the most important factor determining the scope and direction of private protected areas is the legal environment in which they operate. The securing of property rights to land and natural resources and the legal security for conservation are essential foundations for any long-term conservation strategy that involves private sector participation and investment.[93] Only an enabling environment – a sound natural resource

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[88] Ibid.
[89] Ministry of Environment of Namibia, 2010.
[90] Dudley, 2008.
[91] Sandwith *et al.*, 2009.
[92] World Parks Congress, 2003.
[93] Langholz and Krug, 2004.

governance framework on the local and State levels – allows the private sector to allocate human, financial and other resources, and to be accountable and innovative in conserving natural resources and biodiversity while integrating economic uses in a sustainable and financially feasible way.

3.4 Type D. Governance by indigenous peoples and local communities

This governance type includes two main subsets:

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

The subsets may not be neatly separated and can apply to both sedentary and mobile peoples and 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*".[94]

The customary or contemporary institutions involved in this governance type are diverse and can be relatively complex. For instance, land and/or sea resources may be collectively owned and managed, while other resources 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, and their institutions can often be also in charge of cultural and spiritual tasks. The customary rules and organizations that *de facto* determine decisions on natural resources may possess no legal recognition or sanctioning power. In some cases, indigenous peoples and/or local communities are fully recognised as the legitimate authority in charge of State-listed protected areas or have legal title to the land, water or resources. In other cases, the land and resources are State-owned and the government provides no recognition to the indigenous peoples or local communities that actually manage and conserve them. Whatever the situation, an effective governance arrangement in place means that the indigenous peoples or local communities possess some identifiable *institutions* in charge of taking decisions and developing rules for the land and resources.

According to the IUCN definition, in order to qualify as a protected area, the areas, territories, or parts of territories conserved by indigenous peoples or local communities have to be managed *explicitly for a conservation purpose*. In this sense, only a subset of ICCAs qualify as protected areas, while the rest may be subsumed under the term "other effective area-based conservation measures" ... at least until such time as they meet this condition.[95] In addition, and irrespective of the condition required by the IUCN, territories and areas conserved by indigenous peoples and local communities *may or may not be recognised* by their concerned State governments as being part of their protected area systems.

From the perspective of indigenous peoples and local communities, the land and resources may be governed and managed, at least at the time of their establishment, for aims quite different than a

[94] Dudley, 2008
[95] See also section 4.2 below.

conservation purpose – but can still be defined as ICCAs if they have a positive *conservation outcome*. And governance *de facto* may be even more important than recognition *de jure* of their governance role by the State government. As indigenous peoples and local communities become better aware of issues of biodiversity conservation, including their implications for protected area governance and governance of natural resources at large, there may be shifts in their intentions, aims and practices. On their part, governments may also become more inclined to recognise indigenous peoples' and community governance *de jure*, and not only *de facto*, as an effective option for conservation.[96]

The situation is summarised in Table 5, where the territories and areas conserved by indigenous peoples' and local communities" are subsumed under the acronym of ICCAs, following the usage of the ICCA Consortium.[97] Starting from the reality of an existing conserved territory or area (ICCA), some possible forms of combined recognition (or lack thereof) are noted.

Table 5. Various forms of recognition for ICCAs

ICCAs	*Yes, a primary (or implicit) management objective is the conservation of biodiversity*	*No, a primary (or implicit) management objective is not the conservation of biodiversity*
The State recognises it as part of its system of protected areas	The ICCA is a protected area, recognised by the IUCN and nationally	The ICCA is an effective area-based conservation measure, recognised nationally
The State does not recognise it as part of its system of protected areas	The ICCA is an IUCN-recognised protected area	The ICCAs is an unrecognised but effective area-based conservation measure

Given the novelty of ICCAs in the formal conservation community and the diversity of manifestations that they can take, a separate section is dedicated to them below.

[96] Consider, however, that processes of *de jure* recognition may be fraught with dangers, for both biodiversity and its customary custodians. See Borrini-Feyerabend et al., 2010.
[97] See www.iccaconsortium.org.

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 legislation of Colombia. Custody (governance) 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 other communities in the Amazons, the village of Puerto Nariño is still relatively far from "development" pressures: to reach the place one has to fly in to the regional capital, take a small plane to a clearing in the forest and then ride a small boat for an hour along the meandering ways of the Yapú… One of the head shamans of Puerto Nariño, a fierce-looking and very kind 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 Yepabajuarimasa (land people); Umurecóomajã (sky people); Ucómajã (medicine people); Utãp nomasã (people who guide the stones). In the Yapú life revolves around the ceremonies managed by the *Kumu*, the shaman who holds the traditional knowledge for the *buen vivir* of the community. The space where we share that knowledge and power is the *maloka* (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. In the past, many foreigners came here and impacted us severely… We started using clothes, we left the *maloka* for the small houses, the youth went to school far away and lost respect for the traditional authorities and the traditional ways to take care of their health...."

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

occupied the post of Director of Protected Areas in Colombia.[98] "Umu–Kaya Yepa is not a protected area in terms of legal standards, but *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 ecosystem. This is a great example of what the 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 Yapú, 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, and ASATRIZY cannot legally deny entry for that. That would introduce a complex and destructive process of "social disorder", with deep impact on the indigenous culture and–inevitably—on biodiversity."

Benedicto continues: "Our indigenous communities in the Yupú have made some very important advances in their Life Plan. For instance, we have listed the management rules that everyone—insiders and outsiders— must obey to conserve our territory and biodiversity. We are developing our economy in a collective way, without getting lost in individual property issues. And we have taken back the control of the education for our children and youth. Some years ago, if our 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 all they had learned here, some even started losing their language. But now matters are much better. We have a double education system: the youth can stay home and learn both its own culture with the traditional leaders, and the cultures of other people. We want them to be able to continue governing the territory, and implementing our *Plan de Vida*."[99]

[98] Juan Carlos Riascos de la Peña, personal communications, 2008 and 2012.
[99] ASATRIZY and J.C. Riascos de la Peña, 2008; and personal communication, 2012.

4. Indigenous Peoples' and Community Conserved Territories and Areas (ICCAs)

Indigenous Peoples' and Community Conserved Territories and Areas are defined as: "*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*".[100] There are three essential characteristics[101] of ICCAs:

- a well-defined indigenous people or local community possesses a ***close and profound relation*** with a well-defined site (territory, area or species 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.[102] Some exemplify sustainable management of ecosystems and wildlife populations 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 countering depletion of life-sustaining resources, maintaining food sources and watersheds, respecting religious and cultural sentiments or conserving wildlife and ecological benefits.[103] The institutions that govern ICCAs are also very diverse. Some are traditional institutions that have continued through time with very little alteration in their institutions and rules. Others are indigenous peoples and community institutions recently revived in contemporary forms. Still others are novel organisations, which develop anew their sets of rules fitting specific opportunities and contexts. One common thread for all such institutions is that they represent ***local rightholders*** and that their roots lie in ***traditional or local knowledge and skills.*** In other words, the ICCA-governing institutions are the expression of the local peoples, most often bearers of relevant accumulated experience.[104] Another important common thread is their collective character: they express and represent ***collective local efforts*** and often relate to "***the commons***"—land and natural resources held by a well-defined community of users.

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[100] See Borrini-Feyerabend, Kothari and Oviedo, 2004 and Dudley, 2008. Note that the concept of ICCAs was evolving while these publications were developed. Initially spelled out as "Community Conserved Areas" and then "Indigenous and Community Conserved Areas" , the current term seeks to better reflect the contributions of Indigenous Peoples, with emphasis on "Indigenous Peoples" and "territories", which are richer concepts than "communities" and "areas".

[101] 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 it is generally the case for State-governed protected areas.

[102] Cfr. the definition of protected area in section 1.2.

[103] Many if not all of these could be considered equivalent to an explicit or implicit purpose to conserve biodiversity.

[104] Pathak, 2009.

Box 10. How important is the ICCA phenomenon?

Examples of ICCAs include indigenous peoples' territories in countries of the Amazon basin, Australia, Canada, and South-East Asia; forest resource reserves in Africa and Asia; wetlands and heronries in South Asia; territories of mobile indigenous peoples in Asia, Africa, Latin America and the Arctic; coastal and marine reserves for fish, turtles, and other species in the Pacific and South-East Asia, community forests and landscapes in Europe, tribal parks in North America[105] as well as sacred land and waterscapes in nearly all countries of the world.

Our knowledge of the land and coastal and marine areas coverage under ICCAs is partial. Three to four hundred million hectares of forests are under community management, most with some level of conservation objective.[106] For instance, a fifth of the Amazon is within indigenous reserves, many more strictly protected than the State governed protected areas.[107] In the Philippines, most identified Key Biodiversity Areas in the country overlap with the indigenous peoples' Ancestral Domains in forest environments.[108] Thousands of locally-managed marine areas exist throughout the Pacific.[109] Thousands of ICCAs have also been identified in South Asia—notably in India,[110] while community resource reserves abound in Africa[111] and the conserved territories of mobile (transhumant) indigenous peoples—among the most threatened by encroachment and mismanagement by outsiders— cover millions of hectares in the Sahel and in Central and West Asia.[112] The traditional territories of First Nations in Canada also span millions of hectares, and the Canadian government has been collaborating with First Nations to establish and maintain a large part of its protected areas.[113] In Australia, Indigenous Protected Areas (IPAs) cover more than 25 per cent of the total protected area estate.[114] Most of them have been self-declared in the last few years, and the largest protected area of Australia—yet another IPA—has just been declared in 2012.[115]

Some analysts believe that if all ICCAs were recorded and documented they would be more than equivalent in area to the currently recorded global protected area system.[116] These figures, however, remain speculative and it is in no way clear how much of the land and water under traditional governance systems could fit the IUCN definition of protected areas. What has recently been quantified is that *most countries* that encompass important forest biodiversity recognize one or more forms of indigenous peoples' and community tenure rights in their national laws, and 86 percent of such rights were formally established between 1992 and today, i.e., the process of recognising natural resource rights to indigenous peoples and local communities is clearly is under positive

[105] Bowden, 2010.
[106] Molnar et al, 2004.
[107] Nepstadt et al., 2006; Schwartzman, et al., 2010 ; Porter-Bolland et al., 2011.
[108] See Note no 9.
[109] Govan, 2009.
[110] Pathak, 2009.
[111] Barrow and Murphree, undated.
[112] See Chatty and Colchester, 2002; and www.wamip.org
[113] Canadian Parks Council, 2011.
[114] Australian government, 2012. We estimate "more than 25%" as a new IPA was declared as we were going to press.
[115] This is the Southern Tanami Indigenous Protected Area, covering more than 10 million hectares.
[116] Kothari, 2006. For a more recent, non-quantitative review of ICCAs see Borrini-Feyerabend et al., 2010.

evolution throughout the world.[117] With that, a positive evolution in recognition and support of ICCAs is also bound to take place.

Indigenous peoples' conserved territories. Indigenous peoples' territories exist throughout the Amazons and many are fully recognised by State government as being under collective local/ traditional governance. Colombia is a case in point, as indigenous peoples there possess common rights to land 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, and five million hectares have also been adjudicated as collective property to the Colombian communities of African descent.[118] As part of those territories and/or coinciding with them *in toto* in the minds of the concerned peoples, many ICCAs thus exist and prosper in Colombia,[119] including areas jointly conserved by different indigenous peoples.[120] Similar cases, but with different levels of recognition of collective rights also exist in Bolivia, Ecuador, Brazil, Peru and Venezuela. What characterises most of these indigenous territories is that they are at the forefront of battles against destructive "development" in the Amazons, such as mega-dams (e.g. the Belo Monte dam in Brazil), highways (e.g. the international road designed to cross indigenous territories and the Isiboro Secure National Park of Bolivia), oil and gas extraction (e.g, the twenty-year fight of the Kichwa de Sarayaku in Ecuador) and mining (e.g. open-cast gold mines in Cajamarca, Peru).

Group ranches conserving wildlife. A relative 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 organizations to provide incentives for habitat conservation. Tourism operators have established contractual agreements with local communities, organized 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. Following this, local conservancies have proliferated in areas such as Laikipia, Samburu, Kajiado, and Narok Districts, with important consequences for wildlife conservation.[121] 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 now exceeds the proportion found in formally designated government protected areas.[122]

Sacred sites and ancestral domains. In China, ICCAs are generally equated with sacred natural sites, which can be found at different levels and with widely different sizes (from household compound to region).[123] Some rangelands in the headwaters of the Yangtze River, restored and managed by the Tibetan communities with traditional grazing rights, have also been reported as possessing some

[117] RRI, 2012.
[118] Van der Hammen, 2003.
[119] Riascos de la Peña, 2008; and Asatrizy and Riascos de la Peña, 2008.
[120] Luque, 2003.
[121] Blomley et al., 2007.
[122] Western *et al.*, 2006.
[123] Li Bo *et al.*, 2007.

ICCA characteristics.[124] Sacred hills, lakes, groves and sources are common throughout South-East Asia. In the last decades they often conserve biodiversity at the forefront of local struggles against mining, timber concessions, mono-cropping expansion (e.g. for palm oil) and indiscriminate tourism businesses.[125] Recently their role has also been recognised for preventing disasters after severe weather events, including related to climate change. In the island of Mindanao (The Philippines) the areas that remained unscathed by the cyclones that ravaged Mindanao in December 2011 were protected by the heavily forested ancestral domains of the indigenous peoples of Mount Kalatungan's range.[126]

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 indeed 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. In 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. Somehow, ironically, much of this has been possible because the tribes have decided to re-invest into their land the profits of their gambling businesses.[127]

4.1 When is an ICCA also a protected area?

Most ICCAs are at present not formally recognised, legally protected or even valued as part of national protected area systems. Many of these "unrecognised" ICCAs fit the IUCN definition of a protected area and could be included within national protected area systems and listed on the World Database of Protected Areas. Others are not suitable for such listing, in particular because the relevant indigenous peoples and local communities manage them for a primary objective that is not conservation of nature. Another rule of thumb for a protected area is that only up to 25% of its area can be managed in ways that are not primarily about nature conservation (e.g. a village, a tourist camp or similar) if this does not interfere with the primary conservation aims.[128] Again, many ICCAs fit this requirement, but others do not. Governments may thus consider whether they would find more appropriate to incorporate an existing ICCA into their protected area system, to recognise it "outside the system", or to offer no formal recognition at all.

ICCAs should not be listed formally as protected areas unless there is clear agreement—through free, prior and informed consent— from traditional owners and governing institutions. Such an agreement should not be "assumed" and may actually be less forthcoming than expected. Traditional owners

[124] Marc Foggin, personal communication, 2010. See also http://www.plateauperspectives.org/
[125] A rapid survey for Cambodia is reported in Borrini-Feyerabend and Ironside, 2010.
[126] Dave de Vera, personal communication, 2012.
[127] Bowden, 2010.
[128] Dudley, 2008.

often do not want their territory or area to be "recognised" because they are reluctant to be disturbed, for instance when the site has sacred values or when people choose to manage land by customary laws only. Designation as a protected area may bring unwelcome legal implications, including a loss of access rights (which would obviously be greatly resented), but also attention and publicity that may generate flows of undesired tourists and prospectors. In addition, traditional owners and governing institutions may not agree to make biodiversity conservation the primary focus of management or take on the long-term obligations implied by being a protected area. And they may be fearful of pressure to make their ICCA conform with the principle underpinning the IUCN protected area definition "*only those areas where the main objective is conserving nature can be considered protected areas".*[129]

Conversely, some indigenous peoples and local communities actively seek recognition for their traditional land and natural resources as protected areas under governance type D in order to gain some State-recognised authority and responsibility and better means and capacity to protect them.[130] In this sense, ICCAs voluntarily recognised as protected areas amount to important alliances between non-governmental and governmental actors for the conservation of landscapes and resources.

This opens the question of the ICCAs that have been in the past— or may still be even today— incorporated in State-declared protected areas *without* the free, prior and informed consent of the concerned indigenous peoples and local communities. The phenomenon is vast, understudied and deserves a serious investigation if collaboration between governmental agencies and other rightholders and stakeholders is to expand. In some cases, a dialogue between State authorities and representatives of indigenous peoples has begun recently.[131] In most situations, however, this dialogue is far on the horizon and the synergies that could be bearing fruits for conservation still lie undiscovered. The analysis of governance in protected areas offers an occasion to open up such a dialogue.

Inappropriate recognition of an ICCAs as a protected area can lead to social problems and resentment, but complete lack of recognition can also lead to massive loss of biodiversity.[132] ICCAs that have no legal recognition are vulnerable through land and water being appropriated for a variety of alternative uses. To non-members of the relevant communities, many ICCAs appear as natural, "unmanaged" and "unutilised" ecosystems—ideal situations for exploitation and development by extractive industries, large-scale agriculture and agrofuel companies or major infrastructure (dams, roads, ports, airports, tourism). In addition, ICCAs are threatened by the active acculturation of communities (e.g. through education programmes disrespectful of local cultures, missionary programmes, extension activities) and by the extreme natural events and catastrophes related to human transformation of the landscape, waterways and climate.

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[129] Dudley, 2008.
[130] Confédération Mapuche de Neuquen, 2009 ; other examples in Borrini-Feyerabend et al., 2010.
[131] Stevens, 2008; Hoole and Berkes, 2009. The cases of the Ogiek people of Kenya vis-à-vis Mt. Elgon National Park and e people of Thailand vis-à-vis Ob-Long National Park are currently examined as part of the IUCN Whakatane Mechanism with the collaboration of the Forests Peoples Programme (see http://www.forestpeoples.org/topics/environmental-governance/international-processes/whakatane-mechanism)
[132] Sibaud, 2012.

The main reason for the existence of an ICCA movement[133] today is the hope that the "discovery" of ICCAs by the conservation community will offer them a measure of protection. In some cases, this will be possible also in the absence of national recognition as protected areas (the CBD Biodiversity Target 11 clearly spells out the value of protected areas but also of "other effective area-based conservation measures"). In other cases, such as in the Philippines or in Colombia, if the traditional owners or governing institutions wish to spare ICCAs from extractive industries interested in sub-soil resources, they ought, under current legislation, to get them recognised as official protected areas by competent State agencies.

Box 11. Some ICCAs that fit, and others that do not fit, the IUCN definition of "protected area"

- ✓ **Community forests in Europe.** In many European countries, the community forests owned or managed by representatives of local communities— which are 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 major resources for more than eight hundred years. Those resources contain the officially designated Parco Naturale delle Dolomiti d'Ampezzo, a World Heritage Site for its outstanding natural value.[134] Interestingly, while in the past communities conserved these forests mostly for their economic and livelihoods value, today they can conform to the IUCN definition, as their biodiversity value becomes predominant also in the minds of the concerned communities.

- ✓ **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 by local communities. Importantly, while maintaining their conservation value, they generate substantial economic livelihoods and benefits for local residents. A review of ICCAs in the Pacific has revealed hundreds of such sites.[135] Yet, would those be "protected areas", according to the IUCN definition? Probably not as, in the minds of their governing communities, the primary objective of conservation remains livelihood-related rather than biodiversity-related. But, with time, if their governance and management continues to yield biodiversity benefits as well as the understanding that the livelihood benefits are contingent on the persistence of intact and functional ecosystems... those may also become more explicit in the minds of the communities.

- ✓ **Community-protected breeding and nesting sites.** Breeding and nesting sites of many species

[133] One of the expressions of this movement is the ICCA Consortium, established in 2008 at the World Conservation Congress in Barcelona and now a Swiss-based formal association. The Members of the Consortium are organisations representing indigenous peoples and local communities and NGOs working closely with them on ICCA issues (see www.iccaconsortium.org).

[134] Lorenzi and Borrini-Feyerabend, 2011; Merlo et al., 1989.

[135] Govan et al., 2009. Individuals examples analysed and reported by H. Govan in 2008 and 2009 and available from www.iccaconsortium.org.

are under community protection in many countries. 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. Civil society groups have been urging that this be recognised as part of the country's protected area network and offered special protection against external threats.[136]

- ✓ **Indigenous people's 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. There are now more than 50 Indigenous Protected Areas and over 40 consultation projects across Australia, and the Australian government plans to further increase IPAs before 2020.[137] As of July 2012, IPAs have come to encompass more than 25 per cent of Australia's National Reserve System. 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 loss of autonomy and respond to their deeply held beliefs about the "stewardship of country" (which may or may not be regarded as a "primary conservation purpose"). They also provide public recognition of the natural and cultural values of their territories, and of their capacity to protect and nurture those values. For the Australian government, IPAs make sense because they effectively add to the nation's conservation estate without the costs of acquiring or leasing land.[138]

4.2 ICCAs as "other effective area-based conservation measures"

ICCAs that cannot or do not wish to be recognised as protected areas are part of the large group of other types of land and water management that support high levels of biodiversity outside the formal system of protected areas. As schematically shown in Figure 1, such "other effective area-based conservation measures"[139] can include sites such as tourism reserves and military areas, as well as various types of ICCAs. The list of potential sites is long, including well-managed farming systems, commercial hunting operations, watershed protection areas, sacred natural sites (see Box 11), and many others. Conservation of biodiversity takes place in a range of settings, depending upon compatibility between the uses of the area and its particular biodiversity values, and such settings are becoming more and more interesting as biodiversity is rapidly declining all over the world.

Box 12. Sacred Natural Sites

Sacred natural sites (SNS) are areas of land or water having special spiritual significance to peoples and communities.[140] 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 biodiversity

[136] Solis 2006.
[137] Australian Government, 2012. http://www.environment.gov.au/indigenous/ipa/index.html
[138] Smyth, 2006.
[139] IUCN WCPA will be working on this area and providing some analysis and guidance before the next World Parks Congress of 2014.
[140] Wild and McLeod, 2008.

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 include burial grounds of ancestors, pilgrimage sites, sites of actual or pre-existing religious building, and sites associated with special events, saints and spiritual leaders.[141]

SNS are one of the oldest methods of habitat protection on the planet. They share some crucial characteristics with ICCAs, in that they are sites and landscapes or seascapes voluntary conserved by non-State institutions. Many also overlap with official protected areas, indicating that modern protection is reinforcing pre-existing cultural values and – at times— mechanisms to minimize human access through specific prohibitions.[142] A distinct feature of both sacred natural sites and ICCAs is that people attach to them value and significance, which makes their governance institutions as varied as the groups that care for them, and their beliefs systems. Unlike ICCAs, however, SNS do not need to be "collectively governed and managed" by a specific indigenous people or local community. Many SNS, in fact, are under private control, under the control of an organised religion, under the control of a government, or under shared governance between the government and a variety of stakeholders.

A great example of SNS is offered by the small but biologically outstanding patches of remaining Kenyan coastal forests called Kayas. Traditionally, the Kayas were protected by their custodians, the Mijikenda, who for centuries carried out site management and enforced traditional regulations. Towards the end of the last century, however, some elders did not manage to withstand the pressure of development forces, and many Kaya forests lost their sacred character and stopped being conserved. The ones that remained more or less unscathed are now protected by the status of "national monument" as well as "World Heritage associative cultural landscape". In the past, the Kayas were thus excellent examples of ICCAs, but today it is probably more appropriate to characterise them as being under shared governance by the Mijikenda and the National Museums of Kenya.[143] Among them, however, many are still considered SNS by the concerned communities.

In the Philippines, a 2012 national Conference on ICCAs brought to light that the majority of key biodiversity areas in the country coincide with the Ancestral Domains of indigenous peoples.[144] What is more, most such Ancestral Domains have at their core some areas of fundamental spiritual significance for their caretaker peoples. In the Philippines we find hundreds of cases of *SNSs embedded within ICCAs*. At times, those areas are also recognised as protected areas by the State government. At other times they are not, but remain valuable as "other effective area-based conservation measures".

In broad terms, if we assume that State-recognised protected areas and ICCAs cover roughly an equivalent amount of territory on the planet (precise figures for ICCAs are not known), there is certainly an overlap between the two (see Figure 4). Such degree of overlap is likely to increase over time, as more ICCAs are formally recognised and supported by State governments "as protected areas". It is most unlikely, however, that this overlap will ever be complete.

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[141] Verschuuren, 2010.
[142] This notwithstanding, sacred natural sites also include some of the most visited and trampled places on Earth.
[143] Wild, 2008.
[144] See note 9.

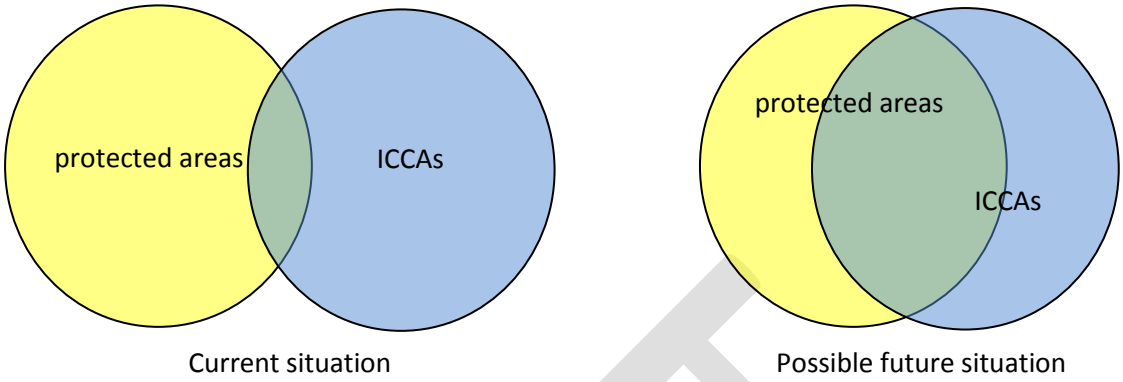

Figure 4. A schematic illustration of the likely progression of the overlap between protected areas and ICCAs.

The possible progression noted in Figure 4 is benefitting from increasing "official" recognition of ICCAS. As part of this, the United Nations Environment Programme's World Conservation Monitoring Centre (UNEP-WCMC) has been working closely with UNDP GEF Small Grants Programme, the ICCA Consortium and IUCN WCPA's TILCEPA, to build awareness and recognition of ICCAs through the development of a dedicated Registry and website. The Registry, developed in the same structure as the World Database on Protected Areas,[145] will store descriptive as well as spatial information.[146] Importantly, the Registry is entirely voluntary and the concerned indigenous peoples and local communities must go through a free, prior and informed consent process before uploading information. Moreover, that information can be stored in public or remain private, according to their will.

5. The IUCN Matrix and the finer nature of governance types

We have seen in section 1.4 that a basic distinction can be made between governance and management and that, for any given site, the two phenomena are connected, but remain in principle independent. In fact, both the IUCN definition of a protected area and the IUCN management categories are "neutral" with respect to land and resource ownership or governance authority. The system of categories talks about the *objectives* of managing protected areas, but it does not determine *who* should own or manage them. The IUCN "Guidelines for Applying Protected Area Management Categories" state that protected areas of all categories can be owned and/or directly governed by governmental agencies, NGOs, communities, indigenous peoples, companies and private parties – alone or in combination. Only the governance body or combination of governance bodies that are in operation determines the governance type. One way to illustrate this is through the so-called IUCN Matrix (see Table 6) which juxtaposes management categories and governance types, highlighting the variety of possible combinations open to all countries willing to explore them.

[145] See www.wdpa.org
[146] Corrigan and Granziera, 2010. For more details see www.iccaregistry.org.

Table 6. The "IUCN protected area Matrix": a classification system for protected areas comprising both management category and governance type

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 management	Collaborative management (various forms of pluralist influence)	Joint management (pluralist management board)	Declared and run by individual land-owner	...by non-profit organizations (e.g. NGOs, universities, co-operatives)	...by for-profit organizations (e.g. individual or corporate landowners)	Indigenous peoples' conserved areas and territories – established and run by indigenous peoples	Community conserved areas – declared 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. Managed Resource protected area											

The IUCN Protected Areas Matrix illustrates the fact that in a system of protected areas, any combination of management category and governance type is possible. For instance, a category I protected area can be under governance by government (such as a core zone of a national park where the only permitted human activity is scientific research) or by a local community (such as a sacred forest where entry is strictly forbidden except for specific religious rituals). The Matrix can be used as a tool to think through and classify what kind of protected areas (combinations of

management category and governance type) exist in a given country – and which ones are officially recognized as part of its national system of protected areas.

Both management categories and governance types, however, are concepts designed to allow representation of a much more complex reality. For example, there are numerous government-governed protected areas where many non-governmental rightholders and stakeholders have some level of participation, though possibly not on an equal or equitable basis. They are thus neither purely governed by government (type A), nor under shared governance (Type B), but perhaps can be considered Type A "in transition" towards Type B. In other words, a country's legislation may not mandate shared governance, but in practice the government agency in charge of a protected area may involve rightholders and stakeholders in management planning, specific conservation activities, etc. Conversely, the country's legislation may mandate shared governance, but in practice this may not be happening. Protected areas on either side of a national border may have varying degrees of cooperation that develop over time, and may or may not eventually reach the stage of a transboundary protected area acknowledged formally by the two countries. Another example may be an ICCA where a government agency or a civil society organization has a role in decision-making (e.g. through advising the council of elders in charge), but the greater authority still rests with the relevant indigenous people. The latter case might well *not* be called "shared governance", but it could also be placed somewhere between Type B and D.[147] Indeed, governance phenomena are rarely likely to fit into neat boxes!

In addition, even when a situation fits neatly into one of the boxes of the matrix, it is unlikely that the situation will remain immutable over time. For instance, a private protected area agreed among various landowners through a Land Trust scheme may become shaky if the partner landowners develop some internal disagreements. Or, as a community becomes less directly dependent on local natural resources, it may naturally engage less in the day-to-day decisions about the management of its protected area. Addressing evolving governance changes and making sure that the process is adaptive and that lessons are drawn from experience, is clearly an important challenge for all protected areas and systems of protected areas.

For people wanting to explore more in detail the nature of power sharing in decision making for a given protected area, it is advisable to consider the IUCN Matrix together with a more flexible way to represent governance types, such as the continuum of decision-making authority and responsibility sketched in Figures 5, 6 and 7.[148] In these Figures, moving along the continuum is described from the perspective of State government agencies, local rightholders (indigenous peoples, local communities or a private landowner) and a supporting NGO. For each of them, in the middle of the continuum we find a process of active negotiation.

[147] Cfr. The case of Makuleke, described in Box 6, where the Makuleke community owns the land and has voluntarily agreed destined it as wildlife habitat in exchange for a number of benefits.
[148] These figures are adapted from Borrini-Feyerabend, 1996.

Figure 5. The governance continuum from the perspective of a government agency

Figure 6. The governance continuum from the perspective of local rightholders and stakeholders

Figure 7. The governance continuum from the perspective of a supporting NGO

6. Governance quality ("good governance")

The previous sections described the four main governance types for protected areas. Across all of them, the quality of governance—what at times is also referred to as "***good governance***"— is crucial. Quality of governance for a protected area indicates adherence— in taking and implementing decisions— to a set of principles and values freely chosen by the concerned people and country. Such principles and values may be enshrined in the Constitution, in legislation and policies, or in cultural practices and customary laws (the national *ethos*).[149] Increasingly, countries and actors also rely upon internationally agreed principles for good governance, developed by international organisations and conventions.[150] Although governance values are influenced by the cultural context, it is arguable that some universal norms can be interpreted and applied across cultural boundaries.[151]

In the last decades, there has been increased discussion on principles of governance quality related to protected areas, including in international conventions, seminars and meetings.[152] Drawing from these discussions and field experience, we list in Table 7 a set of broad principles for good governance of protected areas that each country or protected area institution may wish to take as a point of departure for its own internal reflection and adoption. These principles should be viewed as guidance and applied flexibly according to each context although some, such as those dealing with human rights would necessarily meet internationally declared standards. Later on in this document

[149] SCBD, 2004.

[150] UNDP, 1999; UNDP, 2002.

[151] UNDP, 1997.

[152] Institute on Governance, 2002; Borrini-Feyerabend, 2003; Governance Stream of the Vth World Parks Congress, Durban, 2003; IUCN CEESP, 2003; Jaireth and Smith, 2003; SCBD, 2004; Borrini-Feyerabend et al., 2004a; Dudley, 2008.

we will address how they can be used to assess the governance of protected areas and protected areas systems.

Table 7. Principles of "good governance of protected areas" proposed by the IUCN[153]

Principles	Elements of the Principle
1. Legitimacy and voice	• Accepting and justifying a governing system on the basis of socially sanctioned entitlements and views • Ensuring information, participation and voice of all rightholders and stakeholders bearing direct concerns and interests, with no discrimination related to gender, ethnicity, social class, etc. • Promoting mutual respect among all rightholders and stakeholders • Maintaining active dialogue and a consensus orientation towards solutions that meet, at least in part, the concerns and interest of everyone • Agreed rules are respected because they are " owned " by people and not solely because of fear of repression
2. Subsidiarity	• Attributing management authority and responsibility to the institutions closest to the resources, compatible with capacities
3. Direction	• Developing and following an inspiring and consistent strategic vision (broad, long term perspective) for the protected area and its conservation objectives, grounded in an appreciation of ecological, historical, social and cultural complexities of each context • Ensuring coherence and compatibility (integration into local context and compatibility with plans and policies of other levels and sectors)
4. Performance	• Achieving the set of conservation and other objectives as monitored through management effectiveness mechanisms. • Responsiveness (taking into account the needs of all rightholders and stakeholders) • Pursuing efficiency (making a wise use of available resources) including ensuring that institutional and human capacity are available to assume management responsibilities, as appropriate • Developing sufficient capacities for all rightholders and stakeholders to engage at appropriate levels • Ensuring financial sustainability of processes and results • The management regime is robust and resilient , i.e., able to overcome a variety of threats/ obstacles and come out strengthened from the experiences
5. Accountability	• Ensuring the accountability of all decision makers to the public (including clearly demarcated lines of responsibility and reporting/ answerability about the fulfilment of responsibilities) • Upholding the integrity and commitment of all decision-makers • The avenues to demand accountability are accessible to all. • Accountability is not limited to verbal exchanges but linked to concrete and appropriate rewards and sanctions.

[153] See Dudley, 2008. The description of the principles also draws from Institute on governance, 2002 and Borrini-Feyerabend et al., 2004b.

6. Transparency	• Ensuring transparency (concerned rightholders and stakeholders have timely access to information about what is at stake in decision-making, which processes and institutions exist, who is responsible for what and how responsibilities can be rendered accountable) • Documents such as accounting and progress reports are clear and fairly accessible / available to concerned rightholders and stakeholders
7. Do no harm	• Making sure that the livelihoods of vulnerable people are not adversely affected • Making sure that the costs of establishing and managing protected areas do not create or aggravate poverty and vulnerability, and are not "dumped" on weak social actors without any form of compensation • Conservation is undertaken with decency and dignity, without humiliating or harming people. • Laws and regulations are applied consistently through time • Fair avenues for conflict management are available as is, if needed, non discriminatory recourse to justice
8. Fairness	• Striving towards equity (sharing equitably the costs and benefits of establishing and managing protected areas) • Maintaining the rule of law (legal frameworks are fair and enforced impartially) • Making sure that public service promotions are merit-based • Providing timely and competent support to effective conflict management processes • Ensuring access to justice (legal assistance and avenues towards impartial judgment are available to all stakeholders in case of conflict)
9. Human rights	• Respecting human rights and cultural practices

Every country and people should follow its national legislation and ethos, as well as its international commitments, in considering the principles listed in Table 8. What a number of recent studies have shown, however, is that following the principles and values broadly ascribed to "good governance" can be argued beyond human values, as it does correlate with enhanced overall conservation performance (management effectiveness).[154]

[154] Leverington *et al.*, 2010; Persha *et al.*, 2011.

Can top-down be wise?

"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 environment 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 rightholders 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 on the long run, and the revenues remain in the region where they are produced."

Finland is a country where governance of protected areas is still firmly in the hand of a governement agency... but matters are complex and flexibility seems to be the key. "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 sits with me as Director. Or, in controversial cases such as those involving major hunting and fishing rights, it sits 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 for anyone to 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 it certainly makes 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 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 first advocated internationally for the recognition of indigenous peoples rights, it still does not recognise the collective land and resource rights of its indigenous people— the Sami.[155] 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..."

In other countries, the indigenous peoples have recognised collective rights over their customary territories, but not in Finland. "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, have also a right to hunt in state-owned lands. This is true also 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 that "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!"

[155] Lempinen, 2008.

Part 2: Process and Action

7. Assessing and evaluating governance for protected areas

To improve the governance of a protected area site, or system, there is no recipe to follow or set of prescribed activities to get through... except possibly the logical starting point of assessing and evaluating what does exist. But protected area managers are usually very busy and preoccupied with a variety of immediate issues. Many comprehensibly ask themselves "Why should I deal with the additional complexities demanded by a focus on improving governance?" "Why should I invest energy and resources?" Let us try a few answers.

… because governance is a key 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. In this light, the fact that quality and acceptability of governance are recognised as one of the most important elements of improving protected areas management effectiveness[156] amounts to a strong *recommendation for governance assessment and review* in all situations where results are less satisfactory than expected and desired.

…because governance is a key determinant of *appropriateness and equity* of decisions

Protected areas face many types of decisions, opportunities and threats to their ecological integrity and social and cultural significance. Harmful results often originate from the failure of policies, laws and decision-making processes to understand and "fit" the situation, provide meaningful guidance and distribute incentives (e.g. social recognition, financial support, consistency in agency mandates) to managers and others involved. Legitimate and responsive governance settings prevent that from happening. On the contrary, they are equipped to improve policies and provide guidance and incentives to solve complex socio-ecological dilemmas. In addition, good governance helps to maximise the range of biological, social and cultural benefits derived from protected areas and to make sure that no one person or community bears a disproportionate cost for conserving regional or global goods and services.

...because governance can ensure that protected areas are not isolated from their *wider ecosystem and society*...

Integrating protected areas into the wider community through appropriate and responsive governance processes can result in a better fit with the prevailing historical and socio-cultural institutions and values, as well as stronger linkages with ecological processes outside their borders, such as management approaches at a landscape or seascape scale. Other related benefits include more attention to overall sustainability and connectivity, and a better understanding of conservation and development processes in general.

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[156] Leverington *et al.*, 2010; Persha *et al.*, 2011.

…because *governance can be improved* and provide invaluable help in facing on-going challenges and global change

Far from being static and immutable, the institutions and rules governing society are dynamic phenomena that can, and should, accommodate on-going challenges and global change. For the process of "adaptive governance" to be as positive as possible, however, it should be well-informed and visionary. Different governance settings should be assessed and evaluated in terms of their different advantages, disadvantages and capacity to cope with change.

Assessing and evaluating governance of protected areas can help answer such questions as:

- What governance arrangements would best fit the history, culture and unique opportunities of the country and peoples concerned?
- What governance arrangements would promote the full use of available resources and capacities for conservation and livelihoods, and deliver decisions likely to be widely understood, appreciated and respected?
- What governance arrangements are likely to improve and render more equitable and acceptable the current distribution of the costs and benefits of conservation?
- What governance arrangements would be best equipped to engage rightholders and stakeholders at different levels, including through dialogue and collaboration between traditional and modern institutions?
- What governance arrangements would be most flexible, resilient and best capable of responding to emerging threats and the changing needs and opportunities for conservation?

In the following sections we outline a process to conduct governance assessment and evaluation through which questions such as the ones above may help to guide and orient inquiry.

The process can focus on two levels:

- the level of a ***system of protected areas*** (e.g. national, but also sub-national or regional)
- the level of a ***protected area site***

7.1 The basics

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

Parties to the CBD accepted recommendations that echo this statement. In accordance to CBD Decision IX.18, they should "*establish multi-sectoral advisory committees*" including representatives from government agencies, indigenous and local communities, NGOs, the private sector, experts,

academia and research institutions "*in support to the implementation of the Programme of Work on Protected Areas*".[157] Such committees should give special attention to governance issues by "*diversifying and strengthening protected-area governance types*" (including co-managed protected areas, private protected areas and indigenous peoples' and local community conserved areas) and "*establishing effective processes for the full and effective participation of indigenous and local communities in the governance of protected areas*". Multi-stakeholder processes such as those discussed in this resource kit offer a powerful way to assess and evaluate the governance of protected area systems, responding to the specific recommendation of the CBD.

But first, what is the difference between assessment and evaluation, and how are they linked?

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; and
- 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 goals and values;
- needs for change are identified; and
- a clear set of recommendations is developed to move closer to the desired, ideal situation.

Where to begin? Before anything else, it is important to clarify the approach and identify who should be involved.

7.2 The approach

One of the first questions to resolve is whether the assessment and evaluation exercises will be carried out by expert professionals only or by wider groups of people representing social actors with relevant and directly related knowledge, capacities and concerns (a so-called "participatory" assessment and evaluation). The participatory exercises are further to be distinguished among those that aim at engaging *all* main concerned rightholders and stakeholders or only *some*. For instance, assessments and evaluations exercises can be carried out by specific sub-groups of concerned actors, such as the governing bodies themselves (internal, self-evaluation) or *ad hoc* teams (e.g. local administrators).

Expert assessment and evaluation processes have the advantage of being relatively rapid and compact and usually imply a minimal disruption of normal management activities for the protected area at stake. The identified "key informants" are approached and interviewed by the experts, resulting in a tight and efficient exercise. Expert assessments are thus very convenient, but also fully dependent on the capacities of the expert(s) in charge and on their success to elicit, analyse and interpret information coming from a variety of actors and situations. In addition, the meaning of an expert assessment is inordinately dependent on the "willingness to listen" of the governance system

[157] CBD Decision IX.18, COP 9, Bonn 2008.

in power. In other words, no amount of excellent expert analysis of a current governance situation will ever lead to change unless it meets a responsive and accountable... governing structure!

Assessment and evaluation processes carried out by specific groups (e.g. protected area guards; local residents alone; only managers and outside scientists) may be less complete than full participatory processes, but can provide much valuable information and, if done honestly and carefully, offer far better results than no assessment and evaluation at all. As is the case for expert assessments, questions may remain regarding the accountability of such processes and the ultimate use of their results, but they are useful steps towards action.

A ***fully participatory assessment and evaluation*** is a more complex process[158] by which concerned and diverse groups and individuals engage together in observations, testing of phenomena, meetings, workshops and group exercises. Generally, these processes are guided by experienced facilitators. One of their advantages is the trust and support they can build among protected area decision-makers and other rightholders and stakeholders. In participatory processes, a wide group of social actors gains insights into the issues, stakes and decisions involved in governing protected areas. They become aware of tasks and responsibilities, and benefit from accurate information on relevant activities and performance. Protected area managers (ranging from government employees to community-appointed bodies in charge of an ICCA) also gain insights into what other stakeholder groups value and require from them. In this sense, 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 more time, and can be fraught with risks. Some stakeholders, for instance, may be omitted by accident or design; others may suffer fatigue if the process is too intensive or goes on too long; articulate stakeholders can dominate and frustrate others; and so on.

Even in participatory processes it is impossible to involve every single concerned individual, so some "representatives" of rightholder and stakeholder groups will need to be identified. Those, however, should be trusted and legitimate. To ensure that, it may be necessary to hold preliminary side-meetings with different groups (e.g. farmers' associations, women's groups, scientists) and to open up the option for any interested person to contribute through other avenues (letters, phone calls, e-mail, internet-based blogs, etc.). Thought should be given to making sure that the "representatives" can effectively participate (e.g. taking into account language, settings, cost of travel, location of meeting). Participatory processes are often voluntary but, exactly because of that, they may be dominated by those with time or particular motives to engage and may therefore be unrepresentative of a "silent majority" or a minority without the resources to participate. Some people may need compensation if they are to take time and be part of the process. Group meetings may not be suitable if there are inordinate power disparities among those involved. And it is important not to raise expectations beyond the ability to deliver: participants should understand whether they are simply being asked for their opinions or have real opportunities to affect the extent and direction of change. Because of all these unique potential benefits and pitfalls, participatory approaches need to be designed carefully, to fit as much as possible the local circumstances and challenges.

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[158] See Abrams et al., 2003, and Borrini-Feyerabend and Farvar, 2001.

Participatory processes can be conducted making use of a variety of supporting tools and techniques (structured brainstorming, mapping, analysis of structures and tendencies, ranking and scoring, etc.) and are usually facilitated by a Team that provides a supportive framework for the discussion of core issues while leaving room for the spontaneous emergence of ideas and participatory action research initiatives.[159] It is important that all the relevant actors feel a sense of ownership of the process and have the opportunity to engage in designing its steps besides taking part in them. Guidance for carrying out participatory assessments is available,[160] but its challenges should not be under-estimated. In particular, it should be borne in mind that participatory processes can occasionally expose old conflicts or create new ones, requiring moderation skills and conflict management skills on the part of the initiators and facilitators.

The quality and depth of the assessment and evaluation process can be directly linked to the dynamics of social change in the specific country.[161] For some of the participants, the act of thinking critically and voicing opinions in public about issues that affect them will be relatively new. The very act of reflecting and deliberating together with others may lead to a transformation of the ideas and behaviour of everyone involved, and to the acquisition of new skills. The process of ***participatory assessment and evaluation*** could thus become, in itself, ***change-enhancing***, and one of the factors ***contributing to improve the governance of the protected area or system***. This may be particularly true for the staff of State-governed or private protected areas. External facilitators should work with them beforehand to address potential fears and resistance to opening up to participatory processes that closely investigate their work. The facilitators may stress that participatory processes demand transparency but unleash resources from local rightholders and stakeholders—resources that may not be apparent to professional managers who spend only a relatively short time in any specific protected area site.

A requirement of all effective assessment and evaluations that is crucial for participatory processes is that their results should be fed rapidly into action. Timely follow-up increases the cost-effectiveness and the value of the exercise and maintains enthusiasm, credibility and confidence among the people who invested their time and resources. Lack of follow up action, conversely, makes participants unlikely to take such processes seriously in the future.

In summary, because participatory approaches take time and resources and demand specific commitments, their opportunity and value should be judged according to the context. A small, privately-owned nature reserve in an area with no pressing subsistence or land tenure issues will likely need to put much less weight on participation than a strategically important national protected area where management decisions affect many groups and communities. A small country with a policy that fully engages local communities in governing and managing their protected areas may see benefits from an external, expert assessment and evaluation. Others countries, including those whose systems of protected areas are in crisis and those determined to meet the ambitious Aichi Biodiversity Targets of the CBD, may be ripe for a participatory assessment and evaluation of their system purposefully to generate a new national impulse for conservation.

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[159] See Barton et al., 1997.
[160] Volume II of this resource kit does address this specifically.
[161] Pimbert and Wakefield, 2001.

In this volume we assume that a relatively small "multi-party Team" involving diverse perspectives, interests, concerns and values vis-à-vis protected areas[162] is engaged in a "participatory assessment and evaluation" process. If this will be otherwise, the wise reader will have little trouble to adapt.

7.3 The participants

Some key determinants of the success of any assessment are the capacity and willingness to work with competence, integrity and transparency, and to document clearly and share widely the assessment results. For that, it is desirable to involve in the exercise all those with relevant knowledge and experience, such as the protected areas' governing bodies, but also the rightholders and stakeholders affected by, and who have the power to affect the governance process in general. With them, it may be useful to engage well-respected local actors and external professionals as advisors and facilitators. This can apply both at the level of a single protected area and at the level of a protected area system, is likely to increase confidence and openness, and will help everyone involved to develop the capacity to assess.

One of the forces driving the evolution of governance models for protected areas is the growing recognition of, and value placed on, the rights, responsibilities and capacities of a variety of rightholders and stakeholders. The actors include indigenous peoples and local communities, but also local municipalities, recent migrants to the area and the private sector. Diverse perspectives can help understand and assess costs, threats and opportunities, and greatly improve decisions.[163] Moving beyond simple "consultation" can give the historically excluded and under-represented a much more effective voice. Importantly, when social actors are directly engaged, they develop a ***sense of ownership and responsibility for the performance of the governance arrangements***, which is essential for real change to take place when it becomes necessary. In other words, the people directly involved in assessing and evaluating a phenomenon are likely to validate and "own" the results of the analysis. And it is also more likely that appropriate action will follow when a variety of participants have been taking part in agreeing what needs to change. [164]

Who are the rightholders and stakeholders who should be involved in a participatory governance assessment and evaluation exercise? In addition to the people living on a protected area's territory or possessing legally recognised rights (e.g. land owners), some rightful claimants to take a role include those who interact significantly with a protected area only for part of the time (e.g. transhumant herders, or communities using natural ecosystems for subsistence in times of drought). Others have weighty economic interests at stake, such as local tourism companies, or unique concerns because of their mission to protect biodiversity, such as conservation NGOs, UN agencies or bilateral cooperation agencies. Strategic decisions are needed about involving "illegal" resource users and foreigners. Checklist I includes some key questions that one may wish to consider in developing an inventory of "rightholders and stakeholders" for a specific protected area. For a system level, it may be possible to extrapolate from specific cases to national representative groups,

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[162] One or more members of the Team may actually be expert evaluators, thus creating a hybrid expert / participatory evaluation.
[163] Stirling, 2001.
[164] Chambers, 1992; Jackson and Ingles, 1998; Margoluis and Salafsky, 1998; Ostrom, 1990; Steinmetz, 2000.

associations and federations. If such formal associations do not exist, one or more "representative individuals" could be invited to bring forward the perspective of their groups.

Checklist 1. Towards an inventory of rightholders and stakeholders for protected area sites and/or systems [165]

- Are there institutions, communities or individuals possessing ***legal rights*** (e.g. property, usufruct) to the concerned land and natural resources?
- Are there institutions, communities or individuals possessing ***customary rights*** (e.g. rights to use and decide about) the concerned land and/or natural resources?
- Are there institutions or communities with a ***specific mandate by the State*** (e.g. statutory obligation of a given agency or governmental body) regarding the protected area?
- Are there communities or individuals in ***close daily proximity*** to the protected area (e.g. residents)?
- Are there communities or individuals in ***direct dependence for subsistence*** on the concerned natural resources (e.g. for food, medicine, housing, basic family income)?
- Are there communities or individuals with ***strong historical, cultural or spiritual relations*** with the concerned land and natural resources (e.g. ancestral domains of indigenous peoples)?
- Are there communities or individuals with ***continuity of positive relationship*** with the protected area (in particular long term sustainable use of its natural resources)?
- Are there institutions, communities or individuals claiming 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")?
- Are there institutions, communities or individuals claiming 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) and/or because ***their perspective/ position is socially recognised as valuable*** (e.g. because of "scientific validity", "fitting the local knowledge system", following the "precautionary principle", etc.)?
- Are there institutions, communities or individuals claiming a role in governing the protected area because of their ***unique knowledge and skills*** for the management of the resources at stake (e.g. experts, researchers, traditional leaders, conservation NGOs)?
- Are there institutions, communities or individuals claiming a role in governing the protected area because of ***prior losses and damages*** incurred in the management process (e.g. a community that had to entirely stop resource extraction)?
- Are there institutions, communities or individuals with 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 near–by forest that includes important habitats and species)?

[165] Adapted from Borrini-Feyerabend, 1996.

- Are there institutions, communities or individuals whose normal activities are likely to have an **important impact** on the protected area (e.g. pollutants upstream) or, vice-versa, are likely to be **importantly impacted** (positively or negatively) by the existence of the same (e.g. water users downstream)?
- Are there institutions, communities or individuals claiming 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 conventions and agreements** (e.g. in the Convention on Biological Diversity, the Ramsar Convention, the UN Convention to Combat Desertification, etc.)?

7.4 The content

Ecosystems, cultures, political and social settings, history, languages, access to information and available resources are diverse in different regions, countries and among different protected areas in a same country. In all cases, a governance setting is appropriate only when it is tailored to the specifics of its context. In other words, there is no "ideal" governance setting for protected areas, and no one should even attempt to compare the actual setting of a protected area with such a theoretical "ideal". On the contrary, being open and appreciative of the variety of worldviews, values, knowledge, skills, policies and practices that contribute to conservation, most often means obtaining better and more effective results.

The shape and type of questions and exercises to include in a governance assessment and evaluation depend on whether we address a single protected area or a system of protected area. In the latter case, it also depends on exactly what we mean by "system". A protected area system could include all the protected areas in a country, or part of a country, or some other grouping, such as the protected areas found in a certain landscape or forming part of a corridor, or all protected areas supported by a particular donor, or assisted by a particular NGO.

Even when addressing a system of protected areas for a whole country, the first step is to decide what to include. All country-specific definitions of what constitutes a protected area leave out some areas rich in biodiversity and contributing to conservation. This was recently recognized 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". 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.

At a level of a protected area system, we propose questions to explore the historical development of the system, the legislation and policy framework available to accommodate a diversity of protected area governance types, and the extent to which decision-making and the implementation of decisions respect some broadly-accepted "good governance" criteria.

Key questions for assessing the governance of a SYSTEM of protected areas	
What comprises the **system of protected areas** in the country or situation under consideration?	This is basic information about the protected area system
What are the **origins of conservation and the related "system of protected areas"**? How did the system develop? Which **actors** played major roles? Please consider local actors as well as national actors and **institutions**, and possible international influences.	These questions can only be answered by an in-depth analysis, but even a sketch of historical developments will help to set into perspective the range of involved phenomena, actors and institutions.
Through history, did the **cultural traits and values** characteristic of the peoples play a role in conserving biodiversity and developing the system of protected areas?	This question leads one to identify the unique cultural conditions that supported or hindered conservation of biodiversity and the development of the protected area system.
What **institution(s) and social actors** – if any -- are **formally in charge** of coordinating, developing and managing the **system** of protected areas?	This is basic information about the protected area system
In the country or situation under consideration, what **legal framework** (legislation and/or policy, possibly included in different sectors) regulates the governance of protected areas? Does such legal framework allow a variety of protected area governance types?	This question leads one to investigate **what is possible with respect to governance arrangements of protected areas** in the country or situation under consideration, in particular in terms of who can legally hold authority and responsibility for them.
In practice, how **diverse** is the protected area system in terms of **governance types**? And, what governance types exist for areas and territories that contribute to conservation *de facto* but are not recognized in the protected area system?	Finding answers to this question implies analysing the variety of governance types contributing to conservation **within and outside the protected area system**
What can be learned by **overlapping and comparing** the system of **protected areas** that exist in the country with the distribution of **key biodiversity areas**, **land use** maps and **tenure** maps? What does this imply regarding "other effective area-based conservation measures"?	Information is sought here regarding the **completeness of the combined coverage** of protected areas and areas that are "effectively conserved", to derive insights into their possible consolidation, expansion or modification.
How is the system actually run? How	Information is provided on whether the

legitimately, purposefully, effectively, accountably, fairly?	protected area system is run while respecting some broadly-accepted "**good governance**" criteria.

At the level of a protected area site we propose questions to explore how the protected area was identified and declared, which kind of governance setting it has, how appropriate this is to the situation, and, similarly to the case of the protected area system, whether decision-making and the implementation of decisions respect some broadly–accepted "good governance" criteria.

Key questions for assessing the governance of a protected area SITE	
Who decided to establish the protected area? When? **How?** Who was involved? Who was not involved then and now claims a role in governance?	An in-depth analysis is preferable, but even a sketch of historical developments will put into perspective the range of involved phenomena, actors and institutions.
Does the governance of the protected area reflect the **socio-cultural traits and values** characteristic of its peoples?	Provides a perspective of how well the protected area fits its social and cultural environment.
Today, **who holds authority, responsibility and accountability** for the protected area?	Provides information about the current **governance type.**
How **appropriate** is the **governance type** currently in place for the protected area?	Requires an integrated assessment of the current governance type vis-à-vis its context.
How are authority and responsibility exercised in the protected area? How **legitimately, purposefully, effectively, accountably, fairly**?	Indicates whether the protected area is run with respect for broadly-accepted "**good governance**" criteria.

In the chapters that follow we will offer a description of key steps in assessing governance firstly for a system of protected areas and then for a specific protected area. We will then offer some ideas about how to move from assessment to evaluation, and from evaluation to action. The "content" of evaluation will be more properly explored in those sections.

8. A proposed framework for carrying out a governance assessment for a system of protected areas

Unless an external expert approach has been identified as preferable, the assessment and evaluation of a protected area system typically involves a number of rightholders and stakeholders, and provisions need to be made for the process to be feasible and sustainable. Obvious participants include governmental agencies at various levels, elected leaders, NGOs, donor agencies supporting protected areas and, in places where a variety of governance types are recognized, representatives of the indigenous peoples and local communities governing ICCAs and owners of private protected areas. If a country follows the agreed CBD recommendations, it will sooner or later establish a ***multi-stakeholder committee*** or similar body to promote its Programme of Work on Protected Areas (PoWPA). Such a committee would be uniquely qualified to guide the governance assessment and evaluation for the national protected areas system, which could be, in fact, one of its first tasks.

While a multi-stakeholder committee would be ideally suited to assess and evaluate a national system of protected areas, smaller and more sectoral groups, such as environmental NGOs, development cooperation agencies or federations of indigenous peoples, might also wish to carry out their own independent analyses to develop a solid basis for their work, for advocacy or to help inform national processes. System-level assessments can also involve international conservation and environmental agencies, such as the IUCN or UNEP. The extent to which such processes are open to wider citizen involvement depend on the aims and scope of the analyses and on the level of democratic evolution of each country.

Although no single approach is applicable in all circumstances, the following proposed framework is offered as an example of how an assessment might be undertaken for a system of protected areas. The framework is drawn from different efforts attempted across a range of geographies. While it is a work in progress, it includes many elements that we trust to be valuable for concerned practitioners— as an occasion to develop more in-depth governance awareness and assessment capacities, but also as a guide to a real-world assessment and evaluation process (see Volume 2 of this resource kit). For ease of reference, the framework is broken down into a number of "steps", which should be considered as indicative rather than definitive or prescriptive.

8.1 Mapping the system

Step one: Specify what is meant by "system of protected areas" in the country or region under consideration, obtain basic information on all the individual entries in the system and map the system overall

The CBD PoWPA includes as overall objective the idea of establishing and maintaining a "*comprehensive, effectively managed and ecologically representative national and regional systems of protected areas*".[166] It is therefore important that each country defines clearly what is included in its "protected area system" but also what is *not* included, keeping in mind that not all areas and

[166] CBD COP Decision VII.28 (Programme of Work on Protected Areas), Kuala Lumpur, 2004.

natural resources that contribute to conservation may fit either the national definition of protected area or international definitions.[167] Every country has a specific history and guiding legislation to draw from. Some systems include sub-categories, such as areas recognized and supported directly by the federal or national government (e.g. "national parks"), areas recognized and supported by regional or municipal governments (e.g. regional natural parks), private protected areas, indigenous protected areas, etc. In other cases the overall system is still fluid, with a number of formally recognized protected areas, possibly well-supported technically and financially, and others with unclear formal recognition and uncertain support. Both a ***list of all the areas designated*** in the system and a ***map*** of their ***space distribution*** are fundamental to carry out their governance assessment *as a system*, and such list and map are usually available from the responsible authority.

Once the above is done, it is useful to consider that the official system is neither likely to include all areas that *are* well conserved nor all those that *deserve* to be well conserved in the country or territory at stake. In other words, it can be assumed that the official coverage of protected area in the map will not coincide with either the map of well-conserved ecosystems or the map of "areas of particular importance for biodiversity and ecosystem functions".[168] Some well-conserved ecosystems will not be represented in protected areas and will constitute what the CBD refers to as "other effective area-based conservation measures". In turn, some "areas of particular importance for biodiversity and ecosystem functions" will be in protected areas, and some in "other effective area-based conservation measures" and some in neither of the two (thus being degraded or at grave risk). We will return to this in steps 5 and 6.

In the light of the above, countries may be inspired by international technical guidance to have a critical look at what they do or do not list in their protected area system. IUCN offers a broadly accepted definition of what a protected area is[169] but, so far, has not yet provided specific guidance on what a protected area system actually should or should not include. It recommends, however, that a protected area system strives to be *representative*, *comprehensive*, *balanced*, *adequate*, *coherent*, *consistent*, *efficient* and *equitable*.[170] All these characteristics can be satisfied by ecological and biological considerations, except the last ones "efficient and equitable". A key means by which a protected area system can be made more "efficient and equitable" is by paying attention to governance considerations in terms of both type and quality of the protected areas included in the system.[171]

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[167] As noted by the Parties to the CBD, "other effective area-based conservation measures" can contribute to a country's overall conservation strategy and outcome.

[168] 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).

[169] Dudley, 2008. Note that this definition is not limited to government-declared protected areas.

[170] Davey, 1998.

[171] Dudley, 2008.

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 idea of placing a territory or sea area 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. In contrast, the history of protected areas formally designated by sovereign states is much more recent, although many such formal protected areas overlap with, and incorporate, pre-existing private reserves and/or areas and territories conserved by indigenous peoples and local communities. In more than one way, one can assume some form of continuity in this succession although, in some cases, the customary governance institutions and management systems were forcefully replaced by centralised institutions, at times leaving behind painful memories of violence, expropriation and injustice.[172] In other cases, protected areas still encapsulate traditions and institutions of crucial importance for the culture and sense of identity of the people. And, still in other cases, the history of official protected areas is simply the history of local people, communities and governments rising above the odds and collaborating to manage and protect land and resources from developers and speculators, or recover these through careful restoration and management.

The political and administrative history of a country is usually crucial for its conservation legislation and practice. For instance, many territories have in the last century undergone profound transformations because of geopolitical phenomena, including the unification of States (e.g. Germany), the disaggregation of countries into independent sub-units (e.g. Sudan), processes of independence from colonial powers (e.g. Ghana or Mozambique) or other major political and constitutional transformation (e.g. South Africa). Such processes, which leave imprints on legislation, protected areas and conservation practices in general, are usually rather well documented. A considerable part of the history of conservation by entities other than the State, however, may not be documented, or may only be represented by subjective accounts produced in colonial or modern times. Yet, it could be important to shed light on local customary institutions and rules for land and water management, ritual and cultural behaviour affecting nature, religious values assigned to nature, local restoration efforts, nature-related stories, legends, names, etc.

Whatever remnants exist of ancient and recent history will shed light on the process by which a given conservation system evolved in the past and continues to evolve today. Surprisingly, many customary institutions remain resilient in the face of socio-cultural change, and some robust elements of such institutions regard traditional knowledge and patterns of natural resource use. The task at hand may be to identify, understand and take advantage of those also while attempting to manage protected areas in "modern ways".

[172] Colchester, 2003.

8.3 Key actors

Step three: Identify the main rightholders and stakeholders involved in governing the system of protected areas

For each protected area that exists in a country or region it is possible to identify the actors currently involved in protected area-related decision-making at local level (the ones with main authority and responsibility). It is also possible to identify those involved in decision-making for the system of protected areas (e.g. at national and federal level). Some decision-making lines may not be perfectly clear and/or there may important discrepancies between what is intended *de jure* and what happens *de facto*.[173] It is always useful, however, to appraise the spectrum of national to local holders of authority and responsibility— each dealing with its own scale and scope of decisions. Overall, such scales, scopes and levels of decision-making should combine as coherently and effectively as possible to deal with the various issues and powers involved with well-functioning protected areas systems.[174]

To investigate the governance levels and interplay, it is useful to start from the basics, i.e. to find out who decided to establish each protected area, who played a role in deciding what is or is not included in "the system", how all the elements of the system are formally recognized, managed, and supported, etc. This process could be undertaken "bottom-up" by working with all protected areas in the system (likely to be a complex and often necessarily incomplete exercise) but also "top down" by working with the broad categories known in the country and trying to characterize individual protected areas in terms of that overall classification.

Contemporary national legislation and policies are an obvious point of departure for this step of the analysis, and it should be possible to identify formal authority and responsibility and reporting lines. A word of caution is necessary here, because in many cases the precise boundaries of governance across legislative instruments and agencies may not easily be determined and/or, as mentioned, what is legislated may be quite different from what happens in practice. It is useful, in particular, to consider the influence that different actors may end up playing *de facto* through the variety of avenues by which their power and will influence decision-making. Among those are State agencies and institutions at various levels, corporations and individuals, commerce and tourism boards, NGOs, religious bodies, research and academic organizations, the military, associations and federations of indigenous peoples and local communities, professional associations, foundations and donors, international and bilateral agencies and even foreign governments. If the governance assessment is being carried out in a participatory way, these actors may actually be directly involved in it. If they are not, their roles could at least be discussed with them.

[173] See section 1.4.
[174] See section 2.2.

8.4 Conservation de jure

Step four: Specify the governance types that can be recognized *de jure* for the individual protected areas included in the system

As noted in section I of this document, the governance types of protected areas recognized by the IUCN include:

- ***Type A.*** Protected areas governed by national, sub-national or local government agencies or delegated entities
- ***Type B***. Protected areas under shared governance, through joint management, co-management or transboundary arrangements
- ***Type C***. Private protected areas, governed by their individual, NGO, corporate or other owners
- ***Type D***. Territories and areas conserved under the collective governance of indigenous peoples and local communities (ICCAs)

At this point in the analysis, it needs to be determined whether the legislation and policies of the country are geared for the recognition of all governance types, including Type C and D that, as seen in Part I, are often referred as "voluntary protected areas"[175] and can exist independently of government recognition and support. In some countries, voluntary protected areas are fully recognized as protected areas and included as part of the national system. In others, there is still government resistance to do so. Still in others, the situation may be *fluid* and subject to interpretation. In situations without official recognition, voluntary protected areas could still be subsumed within the CBD PoWPA and "count" for Aichi Target 11[176] under the term "other effective area-based conservation measures". A national system assessment is an excellent occasion to open up a dialogue regarding possible modifications of national legislation and policy frameworks that would allow the formal recognition of voluntary protected areas. Specifically, it will be necessary to determine whether existing policies and legislations explicitly recognize and allow for:

- shared governance of protected areas (see section 3.2 for details)
- private protected areas (see section 3.3 for details)
- customary governance systems of indigenous peoples and local communities concerning their conserved territories, areas and natural resources (see section 3.4 for details)
- other governance type that may exist, if any

[175] Lausche and Burhenne, 2011.
[176] Strategic Plan for Biodiversity 2011-2020, including Aichi Biodiversity Targets— CBD Decision X.2, COP 10, Nagoya, 2010.

8.5 Conservation de facto *and conservation gaps*

Step five: Identify and map the "areas of particular importance for biodiversity and ecosystem functions" for the country or territory under consideration and note those that are well-conserved *de facto* but not part of the protected area system ("other effective area-based conservation measures") as well as conservation gaps ("biodiversity valuable areas under processes of degradation").

Crucial information for the governance assessment of a system of protected areas can be derived from the analysis of the biodiversity values that exist in the country or territory under consideration also outside the system itself. Such information should be available in existing lists and maps of ecosystems and Key Biodiversity Areas.[177] If those are not available, there may be lists of Important Bird Areas, Important Plant Areas, Prime Butterfly Areas, Important Mammal Areas or Important Sites for Freshwater Biodiversity. In addition, data regarding species distribution for globally threatened species and/or endemic species, including unique nesting and feeding sites, could be gathered, together with maps of major biomes and representatives ecosystems, as well as all types of connectivity corridors that have been identified and mapped.[178] Lists and maps of spectacular and unique landscapes/ seascapes could complete the information. Among all those identified "areas of particular importance for biodiversity and ecosystem functions", some, and possibly the majority, will be found to overlap with the system of protected areas under consideration. But some will not. And those may have been already identified in gap analyses and systematic conservation planning analyses.[179]

Among the areas that are valuable for biodiversity but not currently included in the protected area system, some may be nevertheless "well-conserved". While maps of the existing protected area system may be readily available, however, information about these "well-conserved" areas outside the system may be difficult to obtain and map. At a first approximation one could identify them as healthy ecosystems identified through satellite maps, or though reports and maps of key biodiversity areas that are described in the literature as not being degraded nor particularly vulnerable or under threat. Ideally, however, a variety of local studies and observations should be collected and analyzed. Such "well-conserved areas" may not be included or recognized as part of the country's protected areas system because they do not fit the definition and classification of protected areas in the specific country, and/or they do not fit the IUCN definition of protected area, and/or for other contingent reasons, including economic difficulties and legal, social, cultural and political issues that prevent their designation as a protected area. They should be identified and mapped, however, as they contribute to the overall conservation efforts under consideration. The CBD Aichi Target 11 appears to encompass those examples as "***other effective area-based conservation measures***" and some – but not all— may be *de facto* protected areas, in the sense that they fit the IUCN definition of protected areas although they are not included in the national protected area system.

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[177] See Langhammer, et al., 2007 and other references therein.
[178] Bennet, 1999.
[179] See Jennings, 2000; Margules and Pressey, 2000; Langhammer *et al.*, 2007. Specific examples for South Africa are illustrated in Sandwith *et al.*,2009 and Cadman et al., 2010.

It is also important to identify areas that deserve to be conserved (key biodiversity areas) but are under some level of degradation and possibly at risk of being permanently lost to conservation. By definition these areas are not part of "other effective area-based conservation measures", and most of them will also be outside the system of protected areas under consideration although some overlaps are possible. We will refer to these areas as "biodiversity valuable areas under processes of degradation" and those are obviously prime targets for restoration measures and renewed conservation efforts.

In summary, we should be able to identify and map the "areas of particular importance for biodiversity and ecosystem functions" in the country and overlay upon them the system of protected areas under consideration. We should thus seek to identify "other effective area-based conservation measures" as well as "biodiversity valuable areas under processes of degradation". All this may be easier to say than to do, and a fair amount of judgment will have to be exercised. At a first approximation, however, the analysis does not need to be neither extremely precise nor thorough and exhaustive to provide a useful picture of the overall situation.

8.6 Governance of conservation de facto *and of conservation gaps*

Step six: Identify the governance types responsible for "other effective area-based conservation measures" as well as for "biodiversity valuable areas under processes of degradation".

The governance assessment for a protected area system needs to be complemented by a governance assessment outside the system, and in particular for areas that contribute significantly to the conservation of biodiversity as well as for areas that clearly constitute conservation gaps. At a first approximation, the same governance types identified for protected areas in the country (governance by government, shared governance, private governance, governance by indigenous peoples or local communities) can be used also for land and resources outside the protected areas. This analysis can be quite complex as governance data are typically difficult to assemble and disaggregate, and can vary at a very fine scale. Starting from the identified "other effective area-based conservation measures", however, it can be useful to identify any broad governance arrangement under which they are found (e.g. ownership, customary use and tenure, mandate, etc.). For instance, some large and clearly identified 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. Others may be under private or community ownership and conservation could be pursued there as an economic option (e.g. in conservancies, group ranches and the like). Still others may have been acquired by NGOs specifically to be managed for conservation. And some effectively conserved areas may be so remote that they are left basically undisturbed because of their inaccessibility, so their governance status may be quite indifferent. The preliminary list to be compiled may not be entirely complete, accurate or precise, but it still would be good to identify the broad types of governance of territories and resources comprised in "other effective area-based conservation measures". The same exercise could then be done for "biodiversity valuable areas under processes of degradation".

A finer step would see the overlay of the three typologies identified so far—namely "protected areas", "other effective area-based conservation measures", and "biodiversity valuable areas under

processes of degradation"— with land use and land tenure data and maps. Land-use specifies current destination and actual use (such as urban, agricultural, forest, resource extraction). Land tenure specifies ownership and/or control (such as private; public under national, regional, municipal or community authority; indigenous territories; etc.). Together these may offer finer and deeper insights into what exists but also what could be possible in terms of ***consolidation, expansion or modification*** of the official protected areas system and other "effective area-based conservation measures", and what could be possible in terms of ***restoration*** of "biodiversity valuable areas under processes of degradation".

Questions that could be asked are: What governance types (e.g. state land, municipal land, privately owned land, indigenous territories) appear to characterize key biodiversity areas as part of the system of protected areas under consideration? What governance types appear to characterize "other effective area-based conservation measures"? And what about "biodiversity valuable areas under processes of degradation"? Similar analyses in the Philippines—besides revealing that a large part of key biodiversity areas in the country is included in the Ancestral Domains of the indigenous peoples (see Figure 8 and 9)— have also pointed at the effective role of Ancestral Domains for the integrity of watersheds and waterways.[180] In South Africa, bioregional and biodiversity sector plans are now a required reference for special development planning, and legal instruments have been created to enable a variety of land-owners and land-managers to cooperate.[181]

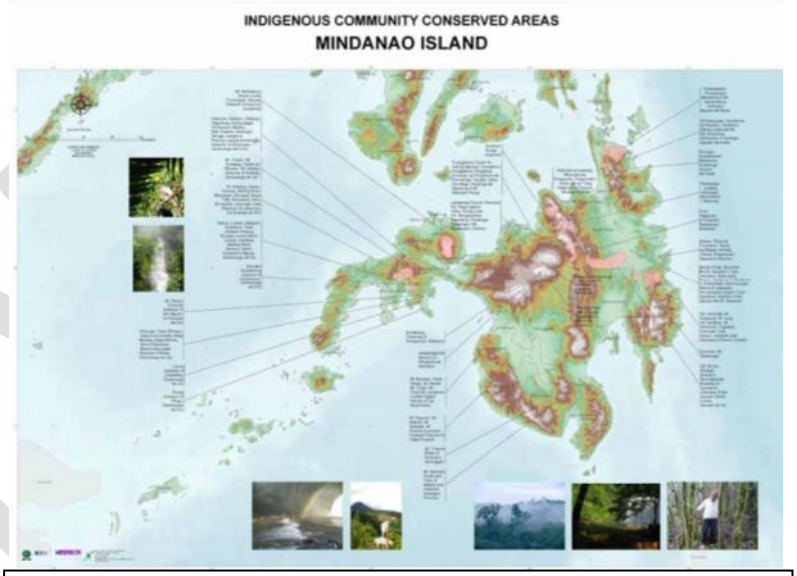

Figure 8. Map of ICCAs in the island of Mindanao, The Philippines (from Zingapan and de Vera, 2012)

[180] Giovanni Reyes and Dave de Vera, personal communications, 2012.

[181] See Cadman, et al., 2010. Conservation planning methods in the Cape Floristic Region that have yielded a suite of priorities across the landscape, have also resulted in broad conservation corridors being defined, where the underlying land-ownership and governance vary significantly. To secure the integrity of corridors, multi-stakeholder forums conducted "area-wide" planning so that core areas and linkages could be agreed among diverse conservation, agricultural and land-use and development planning interests. Among the legal instruments created to enable rightholders and stakeholders to cooperate is the "biosphere reserve", where a multi-stakeholder body is empowered administratively to facilitate cooperation in the landscape.

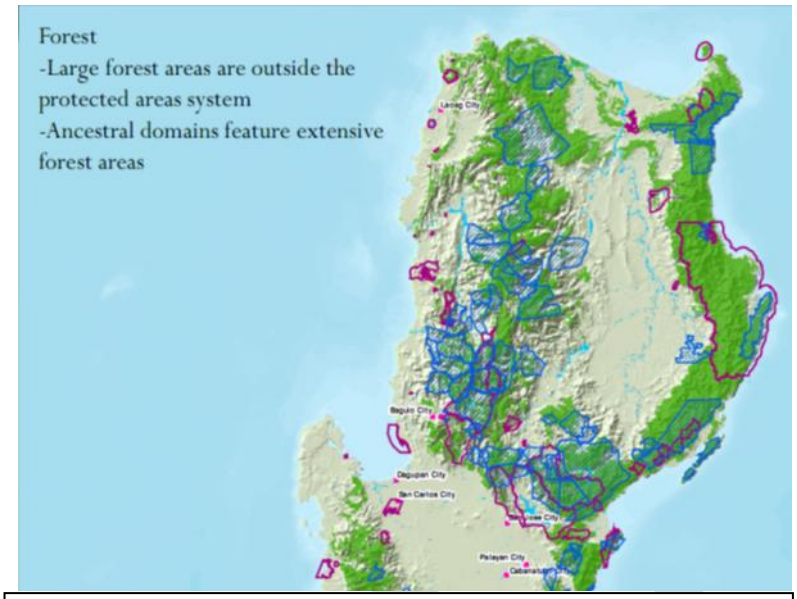

Figure 9. Overlap between the Ancestral domains, forested areas and Key Biodiversity Areas in Luzon, The Philipppines (from Gerochi, 2012)

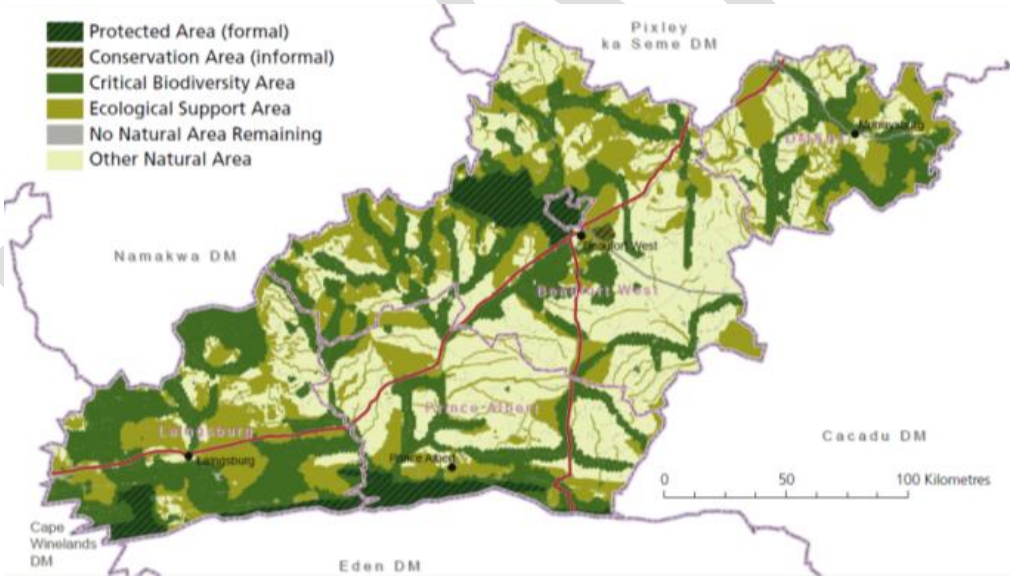

Figure 10. A mosaic of land uses and identified conservation priorities for the Central Karoo Biodiversity Plan (from Cadman, et al., 2010).

If feasible, all information should be captured digitally in a computer-based Geographical Information System (GIS) with the possibility of generating digital overlays figures (see Figure 11 for an example from Bolivia overlapping the national protected area system and the territories legally recognized under the governance of their indigenous peoples). Standards for spatial and digital information can be obtained from UNEP-WCMC, and should be used wherever possible to ensure that information can be incorporated into the WDPA and ICCA Registry. Information can also be collated in other ways, including through the use of standardized aerial photographs, orthophotos, cadastral maps and the like.

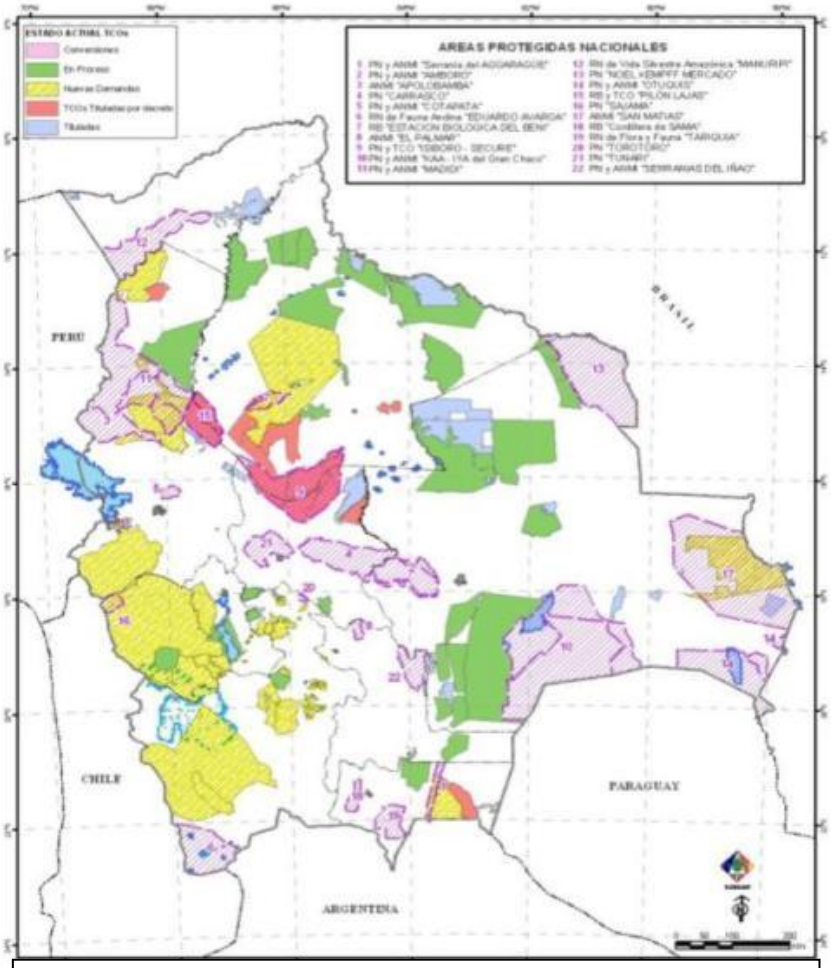

Figure 11. Overlap between the traditional territories of indigenous peoples and the national system of protected areas (SNAP) of Bolivia (from Zambrana and Maturana, 2008).

8.7 IUCN matrix analysis

Step seven: Identify governance gaps and opportunities by situating in the IUCN matrix all the protected areas in the system, all other identified "effective area-based conservation measures" and all "biodiversity valuable areas under processes of degradation"

This exercise is relatively simple once the prior steps have been undertaken, and is best carried out in a participatory setting with representatives of key actors involved in conservation *de jure* or *de facto*. Starting with the list of all protected areas in the country's system, it is possible to proceed to identify the management category (according to the main pursued management objective) and the governance type (according to who is holding key authority, responsibility and accountability at the level of the protected area) for each protected area in the system. Each protected area is then simply "situated" in the IUCN Matrix as shown for the example of Table 8 (e.g. with a symbol, a name, a tick, or a patch of color). Unknowns and differences of opinion are likely to surface when conducting such an exercise, and several iterations may be needed while missing information is obtained or differences of opinions are resolved. For many existing protected areas, however, the exercise should be rather straightforward.

Once the exercise has been completed, it is possible to assess whether parts of the matrix are well populated and others are empty or nearly empty and therefore what the actual occurrence is of governance arrangements of different types. If the matrix is very unevenly populated and/or some columns are entirely empty, it is worth trying to understand why.[182] 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 never engaged in conservation? Or is it that there is no provision for such governance in the constitution of the country at stake, or such governance type is *not recognised* under existing legislation and policy? Or is it because no appropriate incentive has been offered and thus very few cases exist (e.g. this could be the case for private protected areas?). Or is it because the concerned stakeholders do not know about the opportunity and implications of having an area recognized as "protected"? Or is it because the concerned stakeholders would find it constraining and unsuitable to be recognized as part of the system? For every system under examination, the answers to such questions may generate ideas to render the system more comprehensive and balanced. As part of the assessment exercise, questions and answers should be noted and documented, with a view to determining actions for addressing issues at a later stage.

[182] While you may also wish to discuss management categories, you should focus here on governance types.

Table 8. The IUCN protected area matrix "completed" for the system of protected areas of the country of Albania[183]

Governance types / protected area categories	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 change	Government-delegated management (e.g. to an NGO)	Transboundary management	Collaborative management (various forms of pluralist influence)	Joint management (pluralist management board)	Declared and run by individual land-owner	...by non-profit organizations (e.g. NGOs, universities, co-operatives)	...by for profit organizations (e.g. individual or corporate land-owners)	Indigenous peoples' conserved areas and territories – established and run by indigenous peoples	Community conserved areas -- declared 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. Managed Resource protected area		■									

After completion of the matrix analysis for protected areas, the process could be repeated for the other "effective area-based conservation measures". This is most likely to generate even more and more complex uncertainties of classification. For instance, the definition of IUCN management category is related to the explicit management objective of the area, which may not even exist in the other "effective area-based conservation measures". A possible solution could be found by inferring the management category on the basis of the *de facto* situation in each area. Using the characteristics of areas as they are, the category could be assigned to reflect their most important conservation results. For example, Category I could be selected if an area is largely wild and undisturbed; Category 2 if it covers a well-conserved ecosystem; Category 3 if it conserves an important natural feature; Category 4 if it conserves valuable habitats or species; Category 5 if it is an example of protected landscape/ seascape; and Category 6 if it includes sustainably managed

[183] Ardit Konomi, personal communication, 2012.

resources but also well-maintained biodiversity. With regard to the governance type, at first approximation, the assignment would be made on the basis of land ownership data. Thus, Type A would be selected if the area is under sole government control, such as a military no-go zone or other such restricted area; Type B if it is owned by the State but usually occupied and used by various rightholders and stakeholders; Type C if it is privately owned; and Type D if it is an indigenous territory or it is under the collective control of a local community, irrespective of ownership.

Once the matrix-analysis of the identified other "effective area-based conservation measures" has been completed, it will be useful to ascertain how it compares with that representing the officially designated or recognized protected areas in the country. In particular, it would be interesting to determine the extent to which the two are similar in terms of categories and governance types, or are differently clustered. Furthermore it would be interesting to see whether the distribution is geographically separated, for instance separated with respect to representative ecosystems in the country.

Last, one could repeat the IUCN Matrix analysis for "biodiversity valuable areas under processes of degradation", this time using a tentative IUCN category that would be appropriate to conserve or restore the area. Categories, in this case would be less interesting than governance arrangements, as the latter could reveal some association between one or more governance types and conditions of degradation. In general, all "biodiversity valuable areas under processes of degradation" should be, wherever possible, targets for restoration activities.

In general, the combined analyses are likely to reveal ***conservation gaps and opportunities***, but also ***unknown and uncertain elements***, which it will be important to document. The IUCN matrix appropriately 'completed' for the protected areas in the system under consideration and the IUCN matrix 'completed' for "other effective area-based conservation measures" would offer an overall view of how biodiversity is governed and managed in the country under consideration. Combined with an analysis of the governance situations for the "biodiversity valuable areas under processes of degradation" that are prime targets for ***restoration*** initiatives, the matrixes provide some basic/ preliminary insights on the ***governance potential for consolidation, strengthening and expansion of conservation measures in any given country.***

8.8 Governance quality

Step eight: Assess the criteria and principles followed in developing and administering the system of protected areas

As seen in Part I, a number of principles and criteria can be used to provide guidance in establishing and governing protected areas. Following the work of UN agencies, a set of such principles has emerged as broadly and nearly universally appreciated and is increasingly considered as the kernel of what could be termed "good governance". These principles include: "Legitimacy and voice", "Direction", "Performance", "Accountability" and "Fairness". Every country and people should reflect in depth on such principles and determine whether and how they apply to their own situation, for governance in general and governance of protected areas in particular. If this has been satisfactorily

done—and we do not assume that this is a simple or rapid endeavor— it will provide a sound foundation for assessing governance quality of the overall protected areas system.

We propose that the UN-derived principles are used to begin the process, bearing in mind that the Constitution of the country is also likely to provide for governance principles and values to be exercised. In the process of discussing these, it may also be possible to argue that some of the UN-derived principles do not apply for the protected areas system in the country at stake (if so, why?) and/or that some apply in a crucial way. The Team in charge of the assessment and evaluation may wish to examine the principles with the help of the group exercise provided in Annex 1, which will help participants to identify the elements of the governance system that are well functioning and/or can be strengthened and/or need to change. As a matter of fact, Annex 1 blurs the lines between assessment and evaluation, and even contains a number of ideas for action.

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The documentation of the key information, questions, problems, opportunities and uncertainties included in this step-wise framework is a crucial component of the governance assessment, which will be extensively exploited in the evaluation and action that need to follow.

9. A proposed framework for carrying out a governance assessment for a protected area site

Governance assessments for specific protected areas deal with definite sites and sets of rightholders and stakeholders, which in many cases include governmental agencies. If the protected area is run by the government and if the country follows the CBD recommendations, chances are that it already possesses some form of local multi-stakeholder body[184] with advisory or decision-making powers. Such a body could provide a starting point for the governance assessment of the area, in particular if it includes a wide range of perspectives and capacities. If the protected area is run by a private body, a community or by an indigenous people, a multi-stakeholder body may well not exist or include only a limited range of views. Nevertheless, as for government-run protected areas, also for voluntary protected areas[185] the governance assessment should ideally include diverse views, including those of government agencies. Depending on the importance of the area and history of prior involvement, national and international NGOs or international environmental agencies, such as the IUCN or UNEP, may also be willing to contribute.

[184] This is usually necessary to fulfil the recommendation that protected areas include "specific mechanisms to promote the equitable sharing of both costs and benefits arising from their establishment and management" (CBD Programme of Work on Protected Areas, Target 2.1; see CBD Decision VII.28, COP 7, Kuala Lumpur, 2004).
[185] Lausche and Burhenne, 2011.

As for a system of protected areas discussed in the preceding section 8, a framework is offered below to show how a governance assessment could be undertaken for an individual site. For ease of reference, the framework is again broken down into a number of steps, but these should not be considered definitive or prescriptive as only the context of the specific protected area can determine the most suitable process and methods.

9.1 Establishment history

Step one: Specify who was involved in establishing the protected area, and how

In a proper assessment the factual history takes precedence over everything else. It is only on the basis of a thorough understanding and appreciation of where we come from that we can move forward, and especially so when dealing with complex issues such as "governance". Any assessment should therefore start from a respectful and candid 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 rightholders or stakeholders take the lead? Did others feel "left out"? What existed *before* the protected area? Who was in charge of deciding about natural resources? Was there some form of continuity when the protected area was declared? How did the situation evolve? Questions such as these should establish the factual grounds as well as the important perceptions on which a governance discussion will evolve. They also go a long way to set out a basic rightholder and stakeholder analysis, which could be recorded as in Table 9 below:

Table 9. A way to systematize information for an analysis of rightholders and stakeholders

Rightholder or stakeholder	Time period associated with the protected area	Main interaction with the protected area (e.g. cultural, subsistence-oriented, scientific, economic…)	*De jure* access, use and tenure with respect to the natural resources in the protected area	*De facto* access, use and tenure with respect to the natural resources in the protected area	Key capacities for governance and management of the protected area	Current role in governance and management of the protected area	Issues and claims with respect to the protected area
……..							
……							

9.2 History and culture

Step two: Examine the local history, cultural traits and values that bear upon the relationships among rightholders, stakeholders and the protected area

The ecological and social histories of a given territory usually intertwine and determine each other, at least in part. The idea of actively managing a territory *in toto* or in part 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 celebratory memories attached to it or traumatising memories of violence and repression. The conserved areas may have been set up by wise and loved leaders and administrations, but it is also possible that those leaders and those processes were unfair, disesteemed 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 about the same conserved area may abound. Compounding all this, the crucial historical events and phenomena that marked the area may have been poorly documented or not documented at all, and may therefore be lost, or in the process of being lost. A governance assessment is an important occasion to document this history and reflect upon it in a constructive way.

Whatever exists of the history of the protected area will shed light on the process by which a set of conservation processes and rules evolved in the past and/or could continue to evolve today. And so will all linkages that can be identified between the cultures and values of the concerned groups—ancient or modern as they may be—and the territories and resources that should be conserved.

9.3 Governance type

Step three: Clarify the type of governance of the protected area (who holds authority, responsibility and accountability for the decisions that locally "count the most")?

Rooting the discussion in a broad understanding of local history and relevant cultures, the governance assessment needs then to analyze the actors, institutions and processes by which decisions are made and implemented with regard to the protected/conserved area at stake. The complexity of governance phenomena, for instance, the fact that decisions are always embedded in multi-level frameworks that define what is legally, socially and financially possible and acceptable, should not detract from the fact that bundles of instruments and powers can be identified and attributed at several levels in any system.[186] In the case of protected areas these powers can be bundled in different ways but, as seen in section one of this volume, four main governance types can be generally identified.[187] If we wish the assessment to make sense for the people closer to the protected area, we can refer those types to the authority, responsibility and accountability that are

[186] See section 2.2.
[187] See, in particular, chapter 3 of this volume.

the most important for them, in particular those that directly regulate the access to and use of natural resources and the distribution of the costs and benefits of conservation.

A useful way to draw out the key issues regarding governance is to try to "situate" the specific protected area on a continuum of participation in protected area decision-making[188] such as the one illustrated in Figure 9 below, and/or within the IUCN Matrix, as in Table 9. In a multi-party setting where a number of perspectives, interests and concerns are represented, the process of agreeing on where to "situate" the specific protected area will help to stimulate the emergence and discussion of a variety of governance issues. It would then be important not only to document where the protected area will finally be placed along the continuum, but also about the issues that nourished the discussion, and the questions that were answered or still need to be answered to resolve the disagreements. For example, the participants in the government assessment exercise may have never received information on the proclamation notice for the protected area, or may have differing perceptions about who was prominent in the original decisions.

Fig.12. A schematic continuum in decision-making for a specific protected area

9.4 The context

Step four: Assess the governance type of the protected area with respect to the characteristics of the protected area and its context

As it will be already apparent from the discussion of the history and cultural characteristics of the context at stake, the type of governance of a protected area is not a mere technical attribute and has profound influences on its functioning and results. Governance type is crucial for the achievement of

[188] The same continuum was examined in more detail in chapter 5. of this volume.

protected area objectives (management effectiveness), determines the sharing of relevant cost and benefits (management equity), is key to preventing or solving social conflicts, and affects the generation and sustenance of community, political and financial support.[189] If the protected area functions perfectly and all rightholders and stakeholders are delighted with its results, there is no need to go any further. But if some unresolved issues and problems are apparent, it is advisable to examine governance type closely, as it may hold the key to solving those. In fact, governance type should "fit" the characteristics of the context— from land tenure to the need for environmental services provided by the protected area (e.g. water), from traditional occupancy to dependency for livelihood, from identity values to professional interests in management. And governance type is a product of historical circumstances, which change with time. What may (or may not) have been appropriate at the time of initially establishing the protected areas may or may not be appropriate now. How can the "appropriateness" of a governance type with respect to its context be examined? The tool included in Annex 2 is offered to guide reflection towards such an assessment [190] and is best applied in a participatory setting.

Using the tool should stimulate a discussion regarding the appropriateness of a particular governance type for the area in question. If the outcome is clear (e.g. there is a strong indication of a governance type as most appropriate), the discussion may be limited to exceptions and questions that have arisen. If the outcome is less clear, exceptions and questions are likely to be more numerous. In all cases, the "appropriate" governance types resulting from the exercise should be considered in comparison with the existing one.

9.5 Governance quality

Step five: Assess how are authority and responsibility exercised for the protected area— how legitimately, purposefully, effectively, accountably, fairly?

The same UN-derived principles and criteria that were used to assess the governance quality of the protected areas system can be used to assess governance quality for individual protected areas, keeping in mind the same caveats, e.g. that some principles may be particularly appropriate for the area and context at stake and others possible not as much. Where applicability objectives are raised, these should be discussed and documented.

We recommend again that the Team carrying out the assessment and evaluation examines the UN-derived principles and criteria with the help of the group exercise provided in **Annex 1**, which will help participants to identify the elements of the governance system that are functioning well and/or can be strengthened and/or need to change. It is particularly important that the principles and criteria are assessed keeping in mind when and how the protected area was established, and by whom. And it is recommended that the Team goes beyond labels (for instance, "shared governance"

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[189] One of the main messages coming from the 2003 IUCN World Parks Congress is that "the interests and concerns of indigenous, mobile and local communities are likely to be compatible with conservation if and when fair and effective PA governance mechanisms are in place". See also SCBD, 2004.

190 Modified from Borrini-Feyerabend and Dudley, 2005.

or “co-managed protected area”) and sees through whether the facts actually correspond with the labels (e.g. for shared governance, whether one can identify a genuine negotiation process and evidence of power sharing in decision-making[191]). As mentioned, Annex 1 blurs the lines between assessment and evaluation somewhat, and even contains a number of ideas for action.

[191] Borrini-Feyerabend et al., 2004b.

A mosaic of habitats for life...[192]

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 extension, all fragmented into small and isolated forest islands surrounded by cattle pasture. No wonder its population in the wild, in the 1970s, was down to fewer than 200 individuals. On a larger satellite view their situation 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. Maria Ines da Silva Bento explains "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 in the forested areas at lower elevation and they eat lots of fruits... if they can find them, of course."

Maria Ines works with the Golden Lion Tamarin Association, which started its own crusade to save the tamarins in the early 1990s, recreating habitats and corridors to complement the efforts the biological reserve[193] the Brazilian government had set up in 1975— useful, but certainly insufficient. Maria Ines 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. For that, private protected areas— what in Brazil we call *Reserva Particulares do Patrimonio Natural* (RPPN)— play a crucial role. For twenty years, our Association has been negotiating with private landowner to recreate enough habitats and corridors to sustain the population of the tamarin, and now eighteen landowners have actually established their RPPNs. The landowners have 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 a 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

[192] The visit and interview reported here were made possible by Luis Paulo Ferraz (luispaulo@micoleao.org.br), Director of Golden Lion Tamarin Association (www.micoleao.org.br) who is very warmly thanked.
[193] Poço das Antas Biological Reserve.

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 *Reservas Particulares*, and the municipality of Silva Jardim and others in the region receive some subsidies for that, which are supposed to be re-invested in conservation... (but that is not always or fully happening yet). "I have worked for Golden Lion Tamarin Asociation 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 is 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. But now eighteen *Reservas Particulares* have been established. Meanwhile our Association has 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. Incidentally many of them were not born here. They 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 species for commercial yield, such as manioc,corn, banana, pinapple... Some of them are banking on water, building fish and duck ponds. Others keep raising cattle and other small animals, such as rabbits and chicken. Some have invested in tourism facilities. 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. The driver of this threat is the close proximity to the city of Rio de Janeiro, and to 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."

10. From assessment to evaluation and action

Assessing governance for a protected areas system or a specific protected area generally leads to improved understanding of the functioning of its governance, of its "fit" or lack of fit within its context and its performance with respect to the UN-derived principles and criteria. This has already required some judgment and resulted in the use of terms such as "more appropriate", which imply "more equitable" and/or "more effective" within the context at stake. Moving from assessment to evaluation means getting into more depth into the "appropriate", "equitable" and "effective" questions, that are arguably the heart of what makes protected areas meaningful.

Key questions for evaluating the governance of a SYSTEM of protected areas	
Given the results of the assessment, is it possible for the ***governance*** of the protected areas system to become ***more appropriate*** with respect to its context?	Answering these question will clarify whether and how, compatibly with the given legal, institutional, political, social and economic context, the governance of the protected area system can improve so that the system can be as ***complete***, ***diverse, effective*** and ***sustainable/ resilient*** as possible
Given the results of the assessment, is it possible to ***improve the quality of the governance*** of the protected areas system, so that it is run more legitimately, purposefully, effectively, accountably, fairly?	

Key questions for evaluating the governance of a protected area SITE	
Given the results of the assessment, is it possible for the ***governance type*** of the protected area to become ***more appropriate***, i.e. more equitable and effective, with respect to its context?	Answering these questions will clarify whether and how, compatibly with the legal, institutional, political, social and economic context, the type and quality of governance of the individual protected area can improve so that the it can be as ***equitable, effective*** and ***sustainable/ resilient*** as possible
Given the results of the assessment, is it possible to ***improve the quality of the governance*** of the protected area, so that it is run more legitimately, purposefully, effectively, accountably, fairly?	

There is no *best* governance type among the four described by the IUCN and it should be clearly understood that all of them are legitimate and useful. The key issue is whether the range and distribution of governance types in a system of protected areas, allow the system to be as complete

and sustainable/ resilient as it could possibly be. And, for a specific protected area, which governance type is "most appropriate" for the historical and socio-cultural context so that the protected area is as effective and sustainable/ resilient as possible in reaching and sustaining its conservation objectives. The process outlined below is a proposed means to understand and provide answers to these questions.

Even before embarking on the evaluation, however, it may be useful to determine who could/will take action to take advantage of the new conservation opportunities that will become apparent as a result of the evaluation. Identifying the recipients of possible recommendations is advisable so that the evaluation process is oriented towards the production of a report and a process to follow it up. Even in the absence of an explicit government mandate, reports could be delivered to CBD and PoWPA Focal points in the country, as contributions to national PoWPA Reports, in regional CBD workshops, and/or in presentations to the authorities with a mandate for nature conservation and protected areas, and/or to parliamentary or legislative committees that have oversight functions.

10.1 Diversity within the system

Step one for a system of protected areas: governance vis-à-vis conservation results.

One of the good reasons to evaluate the governance situation of a system of protected areas is the desire to improve its completeness and effectiveness in a given context. For this, it may be important to revisit once again, and to compare the variety of governance types at stake for the protected areas system, those for "other effective area-based conservation measures" and those associated with "biodiversity valuable areas under processes of degradation".

In sections 8.5 and 8.6, efforts were made to understand ***what does exist***, in governance terms, to conserve the key ecosystems and biodiversity features in the country. Certain governance types may be associated with official protected areas, *de facto* conserved areas, or processes of degradation. From there, one logical step is to understand lessons learned, and in particular whether certain governance types, under certain circumstances, appear to be more or less associated with effective conservation results. But it may also be possible to compare the total and relative coverage of protected areas and "other effective area-based conservation measures". And it may be possible to ***draw lessons*** from the governance types of "other effective area-based conservation measures" that could be of value for the restoration of "biodiversity valuable areas under processes of degradation". Ideally, it should be possible to understand ***what could/ should be promoted*** to consolidate, strengthen and expand the conservation framework for the country or territory under examination with a good chance for social acceptance and compliance. Notice that such options may be considered within the official protected area system (e.g. new or expanded protected areas) but also outside.

The multi-stakeholder Team engaged in the evaluation will need to consider whether promoting a variety of governance types for protected areas and "other area based conservation measures" is likely to improve the chances for completeness of coverage and sustainability/ resilience of conservation. Some analyses do demonstrate that a combination of diverse governance types, and ICCAs in particular, promote more resilient and robust conservation outcomes in forest

environments.[194] These results, however, need to be validated for the specific context. We propose that the multi-stakeholder Team discusses whether the following statement represents a reasonable assumption for the country or territory at stake: ***the greater the diversity and "capacity to fit the context" of the governance types for protected areas and other "effective area-based conservation measures", the stronger the status of biodiversity conservation*** in the country. Is the statement valid in the specific context? Why? What recommendations can be derived?

10.2 Flexibility of the legal framework

Step two for a system of protected areas: legal protected area types

It is appropriate at this time to take into consideration whether the range of protected area governance types and other "effective area-based conservation measures" that can be legally recognized in the country is appropriate and sufficient to secure all known "areas of particular importance for biodiversity and ecosystem functions" in the country or situation under examination. While populating the IUCN matrix (Step 7 in section 8) a list can feasibly be compiled of all social actors involved in establishing and governing protected areas and/or other "effective area-based conservation measures". While this exercise may simply re-confirm known information about governance of protected areas *de jure*, it may generate a novel understanding of actors in charge of territories and resources that are conserved *de facto*. In some cases such areas— e.g. because they protect uniquely important biodiversity or are strategically positioned with respect to other protected areas (see Figure13)— appear good candidates to be recognized as protected areas and incorporated into the national protected areas system. And yet, the owners and caretakers of such areas (e.g. private and corporate landowners, NGOs, religious bodies, universities, the military, indigenous peoples and local communities, etc.) may not be willing to have their territories recognized as such. In general, their willingness will depend on the implications that such recognition will have on their territories and on the governance authority they will be able to retain. The Team engaged in the governance assessment and evaluation may wish to contact such owners and caretakers and figure out if their current legal framework in the country is able to satisfy both their needs and conserve biodiversity in ways that are compatible and sustainable.

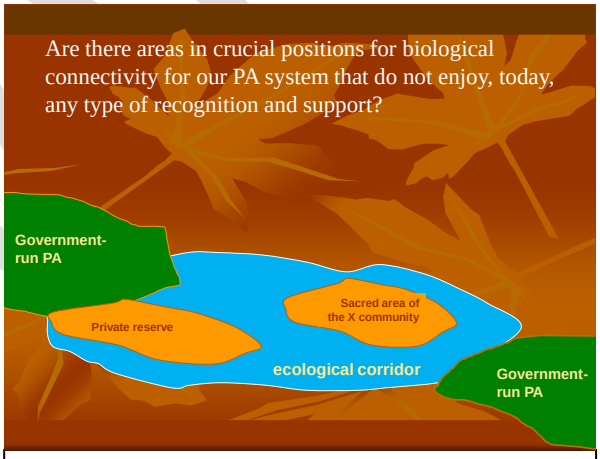

Figure 13 A hypothetical case where private conservation and community conservation initiatives may be candidates for incorporation into the national PA system.

One should not assume that all areas and resources that are or could be effectively conserved *need* to be recognized as part of national protected area system. In fact, they could well remain as part of

[194] Nepstad et al., 2006; Porter-Bolland et al., 2011.

"other effective area-based conservation measures" and continue to play an important role for conservation. They might then, however, be more easily subjected to threats, including threats of extractive industries, large scale development and urbanization, fragmentation into private sites with no commitment to conservation, etc. In other words, even "other effective area-based conservation measures" may need some appropriate form of recognition and support.

A number of questions may shed light on the issues at stake for any given such area, including the following:

- Does the area meet, or could the area meet, the IUCN definition of a protected area?
- Would there be any ecological or social benefit for the area to be recognized as part of the protected area system in the country? What specific benefits would accrue? For what and whom, specifically?
- Would there also be obvious or more subtle problems or disadvantages? Specifically what? And for whom?
- Would the current owners or custodians of the area *wish* it to be recognized as a protected area? Why?
- Does the protected area system have "legal room" to embrace the protected area under the governance type that it possesses at the moment, or that would fit it best?
- If not, is there a need for policy or legislative reform to 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 for "effective area-based conservation measures" outside the country system of protected areas?
- Do they fit the needs and wishes of the current owners or custodians of the areas important for biodiversity or would they wish different and better-fitting forms of support?

Every country should provide answers to the questions just mentioned for the system in general and for each specific area valuable for the conservation of biodiversity. This will help the Team move from an understanding of what exists to an understanding of what needs to improve— the heart of the evaluation process.

Some real examples may be helpful. Figure 14 shows the IUCN matrix filled-in for the case of Madagascar, in 2003,[195] at the time when Marc Ravanolamana, then President of Madagascar, announced at the Vth IUCN World Parks Congress that his country was going to triple the amount of land under official protected status, up to a total of 6 million hectares.

[195] Notice the similarity with the case of Albania in Table 9.

example of Madagascar
IUCN matrix of protected areas "before Durban"
What was then possible?

Type de gouvernance / Catégorie UICN	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)	Gouv. transfrontalière	Gouvernance en collaboration (formes d'influence pluraliste)	Gouvernance Jointe (Conseil de gestion pluraliste)	Déclarée et gérée par un propriétaire individuel	...par des organisations a but non-lucratif	...par des organisations a buts lucratifs ..	Déclarée et gérée par des peuples autochtones	Déclarée et gérée par des communautés locales
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 14: in orange the combinations of IUCN category and governance type that could be "legally recognised" in Madagascar in 2003

Soon after the declaration it became apparent that the ambitious vision of President Ravanolamana could simply not be pursued within such a constraining system. If Madagascar wanted to enlarge its protected area system, it needed to establish many new protected areas and extend the coverage of existing ones...but it was also painfully clear that this was not possible if the country was constrained by the narrow definition of protected areas provided for in its National protected area Code (COAP). After a long process involving numerous consultations and negotiations under the leadership of a dedicated national Commission,[196] a new COAP was adopted in 2008, providing the appropriate tools to realize the vision and, in particular, adopting the four IUCN governance types as all equally legitimate as part of the national system of protected areas.[197] The National System of Protected Areas of Madagascar can now reach its ambitious target, and new protected areas can be declared in the country in nearly all combinations of categories and governance types, as noted in figure 15.

[196] La Commission (pour la révision) du Système d'Aires Protégées à Madagascar (SAPM).
[197] Commission SAPM, 2009.

example of Madagascar
IUCN matrix of protected areas "after Durban"
What is possible now ?

Type de gouvernance / Catégorie UICN	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)	Gouv. transfrontalière	Gouvernance en collaboration (formes d'influence pluraliste)	Gouvernance conjointe (Conseil de gestion pluraliste)	Déclarées et gérée par un propriétaire individuel	...par des organisations sans but non-lucratif	...par des organisations sans buts lucratifs..	Déclarée et gérée par des peuples autochtones	Déclarée et gérée par des communautés locales
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 15: in orange the combinations of IUCN category and governance type that *can* be recognised as part of the Malagasy Protected Areas System in 2012

Let us now look at two more examples.

In South America, Colombia possesses progressive and enlightened legislation regarding the rights and responsibilities of indigenous peoples vis-à-vis natural resources, with important implications for protected area law and practice.[198] 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, Cabiyari, Barazano, Yujup-Macu and Yauna peoples. As a government-recognized protected area, the territory is now "protected" from mining exploitation and this is exactly what the indigenous peoples wanted and why their leaders were happy to accept the "protected area" label. Some members of their communities, however, are bitter about the agreement, as their customary territory, which used to be an ICCA fully governed by them, is now under a shared-governance arrangement with the national protected area agency. According to current legislation, ICCAs cannot be recognized as part of the national protected area system "as ICCAs". Many ICCAs exist throughout the country but if they wish to prevent mining prospecting and exploitation[199] they need to accept some government involvement with their governance and management practices. As many ICCAs may not be ready for that, the protected area system of Colombia is still more limited than it could be. In other words, when taking step seven in the governance assessment for the protected areas system of Colombia we would find that it has a well populated second column of the IUCN Matrix (column B) but it cannot show any official protected

[198] The indigenous peoples of Colombia have full collective authority on land and resources on their customary territories (*resguardos*), and so do the local communities of Afro-Colombian descent.

[199] Under Colombian law, sub-soil resources are *not* governed by land owners— being they private or collective, such as the indigenous peoples who have collective authority over *resguardos*.

area as example in the fourth column (column D). Column D is very well populated by ICCAs that are "other area-based conservation measures"…but the official protected area system is less diverse than it could be. If the legislation of the country were to change and official protected areas could also embrace governance type D, possibly more ICCAs would be inclined to become involved in national efforts.

Another example is Ynyshir, a rich woodland and bird reserve in the estuary of the river Dyfy, owned by the Royal Society for the Protection of Birds in Wales (UK). This is an important bird habitat (particularly as a refuge for waterfowl in winter) where extensive restoration has already taken place. Ynyshir is already part of both a Ramsar site and a UNESCO Biosphere Reserve, but has not yet been recognized (i.e. listed) as part of the national protected area system of the UK. In fact the UK legislation (a different type of legislation with respect to Colombia's, which is inspired by Roman Law) is not at all clear about whether and how private property can be considered as "protected" in the same way as a park can. The UK is thus "unclear" about being able to fill the third column of the IUCN Matrix, with the consequence that the official protected area system is still less diverse than it could be. In this case, a process in already under way to identify and state all the conditions that private land may subject to if it wishes to be officially recognized as "protected" and listed in the UK system of protected areas. Once the process is completed the results will be incorporated into "accepted practice" and "rules of compliance" and – most likely—UK will be able to embrace governance Type C (column three) of the IUCN Matrix.

10.3 Governance quality for the system

Step three for a system of protected areas: governance quality

At this time in the process, the Team should pull together the results of discussions so far, and identify some clear directions for action in terms of governance quality. We refer here to Annex 1 where a number of specific issues and questions have been offered to help the Team make sense of how a protected areas system was established and is currently run vis-à-vis some UN-derived principles and criteria. The same Annex includes some indication of what could be done to remedy to the issues and problems eventually identified. More indicators and examples are collected in the existing literature[200] and will not be repeated here. The Team should clarify the crucial criteria to uphold in the country and ascertain if some change is desirable and possible (feasibility analysis) to improve the current situation. A list a priorities for action should be drawn.

10.4 Types fitting their context

Step one for a protected area site: governance type

The exercise proposed in step four of section 2.4 stimulated the Team to discuss the appropriateness of the current governance type for the protected area in question. In case the "appropriate"

[200] See Abrams et al., 2003 and Moore et al., 2011.

governance type turned out to be different than the current one, the Team may now wish to analyse the opportunity and feasibility of changing it. The dimensions of analysis will span the overall legal framework in the country (see above under "step two for a system of protected areas"); the social situation (e.g. willingness of people to invest their time and energy in governing the protected area); the political situation (in particular the political willingness to accept power-sharing with respect to natural resources and perceived security issues involved in agreeing to participatory or autonomous decision making for the protected area); the economic situation (e.g. balance between needed and available resources); etc.

As each case is unique, the Team will judge whether the expected positive results of a changed governance type are worth sustaining the foreseen human and financial costs involved. The positive expected results, which should always be made explicit, may be particularly important if they concern the effectiveness of the projected area (i.e., its overall capacity to achieve its conservation objectives) and its sustainability/ resilience. The process of "changing governance type" will also necessarily be unique for each protected area at stake.

10.5 Governance quality for each protected area

Step two for a protected area site: governance quality

Irrespective of governance type, it is always advisable to ascertain whether the quality of governance of the protected area can also be improved and specifically in what aspects. We refer here again to Annex 1 where a number of specific issues and questions are offered to help the Team make sense of how an individual protected area was established and is run vis-à-vis some UN-derived principles and criteria, and what could be done to remedy the problems eventually identified. The Team should clarify the crucial criteria to uphold for the protected area at stake and ascertain if some change is desirable and possible (feasibility analysis) to improve the current situation. A list a priorities for action should be drawn.

11. Ideas for action

The last and essential step in the process is to draw conclusions from the assessment and evaluation and to develop / implement a plan to improve the governance of the protected areas system and/or individual protected area, as appropriate. It may seem obvious that this should be done but many evaluation results are actually never used by managers. That is why the end point of the evaluation should be made as specific as possible as soon as possible, clarifying who has the mandate to take action on the basis of the evaluation results, with what resources, with the help of whom, etc.

The following is a checklist of initiatives that address rather typical governance issues in conservation. The suggestions are offered to encourage the Team in charge of the assessment and evaluation to formulate action-oriented recommendations on the basis of the evaluation results. In other words, this is NOT a menu of initiatives to choose from but a set of ideas for the Team to consider and explore before agreeing on hopefully strategic and comprehensive action.

11.1 Data collection, dissemination and research

- Disseminate the results of the governance assessment and evaluation, including in local languages, immediately after those have been agreed upon and consolidated
- Make sure that governance type is listed as part of all national entries and included for all new submissions to the World Database of Protected Areas and in PoWPA reports for the CBD
- Ensure regular monitoring of governance type and quality for the protected areas system and individual protected areas
- Strive to keep collecting governance information for all "effective area-based conservation measures" in the country
- Seek to have routine association of governance assessments, management effectiveness assessments and gap analyses
- Identify research and teaching institutions in the country where expertise on governance matters can be developed and sought-out
- Ensure support for eventual in depth research on governance subjects, as appropriate

11.2 Action at the level of national and regional territorial governance

- Strive for national and regional governance bodies to develop ***land-use plans*** that integrate appropriate responses to conservation needs and opportunities through protected areas of diverse management categories and governance types and other "effective area-based conservation measures" appropriate for both terrestrial and water-based environments

11.3 Action at the level of a system of protected areas

- Enhance governance quality by putting in place ***mechanisms for transparency, accountability***, (e.g. through public review boards) and ***public participation*** in governing the protected areas system and assessing and evaluating governance at different levels
- Make sure the ***rule of law*** with respect to protected area is effectively implemented in the country, and in a uniform way
- Make sure that protected area-related ***dispute resolution mechanisms*** exist, are functional and are used, as necessary
- Identify and assist in the resolution of ***issues related to land and resource rights, access and tenure***, that may be crucial for the appropriate recognition and functioning of diverse governance types of protected areas and other "effective area-based conservation measures", and for the good governance of them all
- Promote protected area legislation and policies to foresee and regulate the full ***diversity of governance types*** recognized by IUCN and the CBD, and all legal and policy instruments that promote ***governance quality***
- Ensure adequate support for innovative governance types, including through policies that assign ***technical and financial incentives*** to innovative systems such ICCAs and private protected areas through transparent rules of allocation and disbursal

- Eliminate ***perverse incentives*** that weaken protected area governance, including through conditionality that undermines traditional institutions and local cultures, and processes that encourage secretive uses of authority and poor accountability
- Promote innovative forms of protected area governance and appropriate recognition and support to other "effective area-based conservation measures" through ***information, demonstration and capacity building*** initiatives; this may involve country based and/or regional forums for regular dialogues and exchanges, but also professional training opportunities for all involved in governing biodiversity at national and sub-national levels

11.4 Action at the level of a protected area site

- Promote local governance quality by ensuring ***mechanisms for transparency, accountability*** and ***public participation*** in planning, implementing, monitoring and evaluating governance and management processes and their results
- Make sure that protected area-related ***dispute resolution mechanisms*** exist, are functional and are used, as necessary
- Ensure that ***agreed policies and rules on governance are implemented*** (for instance, that a real degree of negotiation and power-sharing takes place in decision making for protected areas under "shared governance"; that traditional institutions are respected in ICCAs;[201] that rules for accountability are followed in protected areas under any governance type; etc.)

12. Concluding remarks

The information and suggestions for a carefully designed assessment and evaluation of the governance of existing and potential systems of protected areas contained in this Volume is an essential part of sustainable conservation practice that would lead CBD Parties to meet their international commitments and targets. If the material presented here appears somehow complex to apply, it must be acknowledged that this is one of the barriers that might have inhibited progress. However, the solution lies not only in better knowledge of the governance system, however important that is in its own right, but on the processes that need to be set in place for the relevant actors to figure out how governance is being exercised, and how its quality can be enhanced. Of necessity this involves a more risky and negotiated path of collective research and cooperation than any simple analysis could ever provide. We have attempted to understand and separate out the essential elements of this process, and to provide a means to approach it with understanding and care. The wise reader will readily perceive that a combination of skills and capacities is required to conduct a successful assessment and evaluation process for a protected area site or system. It is unlikely that any single actor would possess all of them. This is why a participatory process and multi-stakeholder committee is appropriate to the task. This volume, we hope, may be of use as it has clarified both the scope of the task and the processes required to foster implementation.

[201] For analysis and detailed advice on "dos and dont's" in recognising and supporting ICCAs see Borrini-Feyerabend *et al.*, 2010.

Those who will take on the responsibility to lead and guide others through an assessment and evaluation process, in turn, will need more than competent knowledge and an understanding of the concepts, the principles and the framework contained in this volume. They will also need to know *how* to guide and assist a multi-stakeholder group, often over an extended period of time, through each stage and element of the process. This is the purpose of Volume 2 of this resource kit, which is a resource for process facilitators. Ultimately, learning about governance of protected areas sites and systems can only really be undertaken *in situ*, with real stakeholders, facing real issues and real consequences for their action or lack of action. Competent professionals able to undertake this kind of work are needed urgently in every country in the world and with every diverse community actually or potentially involved in governing protected areas.

A sacred valley at the heart of an ICCA… all within a National Park![202]

"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[203] … 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...." A meeting of Sherpa community and conservation leaders took place on May 25, 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) 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 recognized."

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, appear 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,

[202] Adapted from Stevens 2008 and Stan Stevens, personal communication, 2012.
[203] The *nawa (naua, nauwa)* system manages use of community forests and rangelands

customary institutions, and 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 press people and others circulated a gross 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 lay low to preserve the peace, but sent a strong letter to government officials, re-affirming the content of their declaration and stressing that their conception of Khumbu as an ICCA *complements* Sagarmatha National Park, and that it does not challenge it or conflicts with it. They affirmed that their declaration involved no new demand and created no new institution. It just opened the way for greater national and international appreciation and support they deserved.

Since then, years have passed and much political change has taken place in Nepal. Other indigenous peoples and communities in Nepal have identified their ICCAs and are organizing themselves to continue to govern them for conservation. A number of Indigenous peoples and 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 is one of my dreams realized: the Sherpa people recognised as taking care of Khumbu."

13. Main sources, references and further readings

Main source materials

The following are the main source materials used to develop this resource kit. Concepts originally introduced in those are not cited systematically, even though at times entire phrases or paragraphs are used *verbatim* here. The readers of this document are highly encouraged to consult these source materials directly for any detailed analysis of governance of protected areas.

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Annex 1: A group exercise to examine and discuss governance quality for protected areas

The following tables include sets of questions that can be applied to both the case of a system of protected areas (PA system) and the case of a specific protected area (PA). The questions are meant to assist a group of concerned actors to investigate whether some criteria were followed in establishing the protected areas and running their operations. The questions are not exhaustive and only introduce some of the many issues and phenomena that can be investigated for each principle noted below. In case country-specific values were identified during the assessment phase, those should be as analyzed as well. After answering "yes" or "no", the participants are offered some notes and suggestions. **In many cases**, however, **the answer will not be "yes" or "no", but "yes, but…" or "no, however…". In such cases, the wise reader will know how to combine the relevant notes**. Before leaving the discussion of a given principle, the group is invited to expand the questions or develop further questions, fitting the specific context of the governance analysis. When the group agrees that the issue is so important that something needs to be done about it, it is asked to note an **action flag** and suggest concrete actions that can be taken.

Each group (5-15 people) is asked to identify one or two rapporteurs and one rotating chairperson, who will remain in charge only for the time it takes to discuss a single governance principle. The chairperson reads each question about the principle, referring to the case a protected areas system or individual protected area, as appropriate. She/he then asks the group to clarify the question, if necessary, and to answer it in a collective way. The collective answer does not need to be such that everyone in the group agrees absolutely with it, but everyone in the group should be able to "live with the answer" and no one would be feeling so upset to block the whole group about it. Importantly, problems and unresolved issues deemed crucial for the future of the protected areas system or specific protected area should be "**flagged for action**" and the rapporteurs should record with care the concrete suggestions and recommendations of the group. In case a consensus on one particular answer or action flag recommendation proves impossible, two or more answers or action flags can be recorded by the rapporteur(s).

The chairperson remains as netural as possible during the debates and helps the group to communicate as respectfully and effectively as possible and reach an agreement on answers and action flags. After each principle has been discussed, she/he passes on the role to another member of the group, chosen by all. When all the principles have been discussed, the chairpersons and rapporteur(s) together re-edit the recorded answers and action flags and compile a group report, including specific recommendations.

Legitimacy and voice

Question	if yes	if no
Is knowledge about the PA or PA system (e.g. its existence, location of individual elements,	This is good, and hopefully the richness of social communication and debate is	This is worrisome. Not knowing about protected areas is equivalent to not valuing and

values, purpose, governance settings, problems, benefits) available, known and well diffused in society?	brought to bear on actual governance processes and decisions	possibly resenting them… You may wish to flag for action.
Have a variety of PA rightholders and stakeholders— including the underprivileged and those directly depending on natural resources for their livelihood and cultural and spiritual needs— been engaged in planning and guiding the establishment and running of the PA or PA system? If yes, through which specific mechanisms? And, do the rightholders and stakeholders believe they have gained an effective voice?	This is good, and you can draw from such experiences and their participants to set up the multi-stakeholder committee to guide the PoWPA, as recommended by the CBD. You may also re-engage in a broad stakeholder analysis to review if participating actors are indeed representative of all concerned groups in society (e.g. are women well represented? the youth? ethnic minorities? the poorest social classes? internal migrants?).	If no PA-related participatory dialogue has yet happened, you may begin with a broad stakeholder analysis, from which you will identify key actors to engage. Remember rightholders and stakeholders may need assistance and some capacity building experience to be able to participate effectively in guiding PAs.
Are there mechanisms in place to ensure that the representation of various rightholders and stakeholders in governing bodies (e.g. bodies dedicated to decision-making, advice, implementation of decisions) is chosen through legitimate processes? What are those processes?	Please consider that "voting" is not the only (and at times not even the most legitimate) means of choosing a representative. Every society has its ways, which should be respected and changed from within, if necessary.	You may wish to promote processes of self-organization by rightholders and stakeholders. This can be done (some NGOs are specialized on this type of work), but it does take dedicated effort and time.
If necessary, are there mechanisms to provide tangible and non tangible support for the participation in the PA governing bodies of all key rightholders and stakeholders— in particular local communities and indigenous peoples?	Examine the nature of the mechanisms and whether they address the full range of actors in need and actually ensure fair and equitable access to the process.	Lack of specific mechanisms should be addressed, as it can make a mockery of participatory governance processes by effectively keeping out some rightholders or stakeholders.

Is the PA system broadly accepted in society, e.g. is it easier to encounter clubs of "friends of nature" than groups of organised farmers against one or more protected areas?	Are the supporters of protected areas engaged in governance processes, at least as advisors?	It is suggested to meet and listen to the detractors of protected areas, and to suggest to them to formulate constructive proposals to address their needs compatibly with the PA system.
If the country has an an action plan for implementing PoWPA, is a diversity of actors involved, or expected to be involved, in implementing and monitoring the plan?	This is good, and such actors should also be involved in this governance assessment and evaluation.	This is wasteful, as important capacities and resources may be overlooked. You may wish to flag for action.
If meetings are called to discuss, plan or review a specific PA or PA system, are these run in a way that ensures all stakeholder groups feel empowered to express and defend their views?	The stakeholder groups should identify what specific conditions helped them, which may be replicated at individual PA level.	The stakeholder groups could identify what specific conditions impeded their effective participation, and those problematic conditions should be resolved.
Is there any effort at achieving *subsidiarity* for the PAs or PA system? For individual PAs, subsidiarity would imply engaging, strengthening and assigning preferential PA-related authority, responsibility and resources to capable local actors. For the PA system, subsidiarity would imply engaging, strengthening and assigning as much authority, responsibility and resources as possible to capable individual PAs rather than the central/ system level.	This is good, and likely to be enhancing effectiveness and efficiency if an adequate support system is also in place, in particular for matters of surveillance and prevention/ repression of infractions	The blockages should be identified, investigated and addressed. More broadly, as decentralization and subsidiarity are bound to encounter opposition by vested interests, a broad analysis of their pros and cons could also be promoted in society at large.

Are customary laws and institutions— including the conservation-relevant institutions of indigenous peoples and traditional communities— recognized and respected in the country?	This is good, and dialogue between customary and State-based institutions should be promoted in a spirit of respect and collaboration.	Dialogue between customary leaders and representatives of State-based institutions should begin as soon as possible.
Do indigenous peoples and local communities have recognized rights, possibly even a title of collective property, to the lands and water under their customary governance?	This is a very positive entry point to recognize ICCAs formally in the country.	This may be a stumbling block toward the effective and equitable governance of the PA system and individual PAs. Dialogue and progressive agreements could solve the impasse.
Are there any other questions that, in your view, should be posed to clarify whether the principle of "legitimacy and voice" has been followed in the case of this system of PAs or individual PA? If so, please pose and answer those questions. Please also record carefully any "action flag" that you may have noted, and the agreed recommendations that the group developed about it.		

Direction

Question	if yes	if not
Is there an overall strategic vision (broad, long term perspective) for the PA or PA system? Is it grounded in an appreciation of the ecological, historical, social and cultural complexities that characterise the country or specific region? Is it spelled out in terms of clear and feasible objectives?	This is excellent. For a PA system it would be useful to develop a map and succinct summary of that vision where individual PAs are located and the strengths, weaknesses and other issues regarding the system as a whole (e.g. connectivity options) are set in evidence and explained.	You may wish to develop a "talking map" of the PA system and promote dialogues on strengths, weaknesses and needed action.

Question	if yes	if not
Are protected areas integrated into main national strategies and plans (e.g. development, health, agriculture, disaster mitigation, responses to climate change)? Does the PA ministry liaise and ensure coherence and compatibility with other relevant ministries (e.g. tourism, forestry, agriculture) and institutions at various levels?	It would be interesting to take the good work to the next level and examine the efficacy of the cross-ministerial cooperation and the lessons learned thereby.	You may wish to promote a dialogue between the related national and/or sub-national ministries, agencies, right holders and stakeholders, so that points of conflicts and potential synergies are identified, discussed, understood, and acted upon.
For the PA system, is there coherence in policy intent and direction between levels of protected area governance? For an individual PA, is there trust and coherence among the actors and institutions involved in governance?	This is an essential element for both the governance and management of a well-functioning system	This lack of coherence should be reviewed and addressed, as it may be the cause of poor system effectiveness and more.
Is there an opportunity, formal or informal, for staff, owners and custodians of different protected areas to meet, exchange experiences and plan together about their PA system or their individual PAs as part of a potential system?	Ideally such opportunities should become regular, including through electronic means (mailing lists, web pages, Skype calls, etc.)	Some opportunities could be promoted, at the minimum through electronic means.
Are there any other questions that, in your view, should be posed to clarify whether the principle of "direction" has been followed in the case of this system of PAs or individual PA? If so, please pose and answer those questions. Please also record carefully any "action flag" that you may have noted, and the agreed recommendations that the group developed about it.		

Performance

Question	if yes	if not
Is the PA or PA system achieving its stated objectives?	Excellent.	Consider whether certain objectives could be more easily achieved if the governance system would be renewed and strengthened.
Is the system "responsive", i.e. does it manage to take into account the needs of all its right holders and stakeholders, including the unprivileged ones (e.g. for the prevention of human-wildlife conflicts, livelihood needs, maintenance of cultural identities and practices)?	Excellent (make sure that this is confirmed by all relevant right holders and stakeholders).	Consider whether the unsatisfied right holders and stakeholders could be more or better engaged if the governance system would be renewed and strengthened
Do people who engage in the PA or PA system have the appropriate capacities, including the capacity to relate with others, and elicit their interest and support for PAs? And, are there opportunities for capacity building?	Excellent	Consider whether capacities could be better supported if the governance system would be renewed and strengthened
Are there sufficient resources (financial, human, information, technologies) allocated for protected areas in the country?	Excellent.	Consider whether more and/or more appropriate resources could be dedicated if the governance system would be renewed and strengthened
Is the PA or PA system pursuing its stated objectives in an efficient manner, is it making a wise allocation and use of its available resources?	Excellent	Consider whether resources could be better allocated and used if the governance system would be renewed and strengthened
Is the PA or PA system demonstrably caring about financial sustainability of processes and results?	The relevant mechanisms and results should be broadly shared within the system and among individual PAs.	Consider whether financial sustainability could improve if the governance system would be renewed and strengthened.

Question	if yes	if not
Is there a monitoring system in place for the PA or PA system? Are rightholders and stakeholders involved? Is there assessment of performance on a regular basis?	Excellent	A monitoring system could be set up as part of the governance assessment and evaluation under way, including indicators and methods to assess governance quality.
Are there processes by which threats, opportunities and associated risks to the PA or PA system are anticipated and managed?	Excellent.	This could be started as part of the governance assessment and evaluation under way.
Is the PA or PA system geared to ensure "institutional learning" (e.g. via opportunities for debate, openness to critical analyses, mutual respect, collegiality, systematic recording of decisions and assessment of performance, outputs and impact, feedback and adaptation, etc.)? Is new learning timely incorporated into decision making and implementation?	This is excellent. "Institutional learning" processes are crucial for the resilience and sustainability of the PA or PA system.	Consider whether institutional learning could improve if the governance system would be renewed and strengthened
Are there any other questions that, in your view, should be posed to clarify whether the principle of "performance" has been followed in the case of this system of PAs or individual PA? If so, please pose and answer those questions. Please also record carefully any "action flag" that you may have noted, and the agreed recommendations that the group developed about it.		

Accountability

Question	if yes	if not
Do decision makers about the PA system have clear associated responsibilities? Do they report about those to the public at large? Is there a regular and transparent system to assess whether and how responsibilities have been met? Are there feed-back mechanisms about the ecological and social impacts related to the PA or PA system decisions?	Excellent.	The ecological and social impact of protected areas should be analyzed and openly discussed. First line accountability mechanisms can be included in the communication system of the PA or PA system. For instance, reports and assessments can be posted on PA or PA system web sites, where comment and information should also be uploadable.
Are the integrity and commitment of all stakeholders also assessed, e.g. through mechanisms to ascertain whether the representatives with a governance role share information fairly and convey views effectively to and from their constituencies?	Excellent.	It is suggested to promote processes of stakeholder self-organization. This can be done (some NGOs are specialized on this type of work), but it does takes dedicated efforts and time.
In case of failure to perform with integrity and effectiveness, is there a complaint and redress mechanism, accessible to all, including indigenous peoples and local communities?	It is important that the existing mechanism is known to all potentially concerned actors.	If a complaint and redress mechanism does not exist, it should be developed. At the minimum, an ombudsperson could be identified who could receive complaints in a confidential way.
Are there mechanisms to enforce PA rules and to sanction violations? Are those available to all PAs in the system? Are those applied in ways that are transparent and fair? Are there mechanisms to hear complaints and appeals about such violations?	Excellent.	Exchanges among the PAs in the system should be promoted so that examples of rules, sanctions, implementation mechanisms and mechanisms to hear complaints and appeals are shared, discussed and learned from.

Question	if yes	if not
Is there a system of collecting and analyzing data related to the violations of PA rules, including comparative analysis among different PAs in the system?	Excellent, and the results of such analyses should be regularly incorporated in management practice.	A simple mechanism of data collection and analysis should be set up.
Does legislation ensures the freedom and right to information regarding the country's PA system? Is PA-relevant information timely and fairly accessible to all concerned? Are there mechanisms by which decisions taken, reasons and process by which they were taken, methods of handling conflicts and objections, financial transactions, PA system plans, budgets, reviews and other relevant documents are disclosed and can be consulted by the public?	Excellent. Consider more information avenues that the obvious and useful web site. Make sure that the web site includes a comment facility where opinions and advice can be recorded.	Engage in a communication campaign on the PA system, which should include a dedicated web-site. At each PA level, it should be clear to all rightholders and stakeholders when and where information is disseminated and discussed
Are there any other questions that, in your view, should be posed to clarify whether the principle of "accountability" has been followed in the case of this system of PAs or individual PA? If so, please pose and answer those questions. Please also record carefully any "action flag" that you may have noted, and the agreed recommendations that the group developed about it.		

Fairness

Question	if yes	if not
Does the PA system refer to a specific legal framework (rule of law)? Is that fairly and impartially enforced?	Excellent.	Consider a process to develop and/or improve the enforcement mechanisms of such a legal framework, as much as possible drawing from both local customary practice and international technical guidance.
Are human rights and cultural practices respected by the PA system (e.g. no forced displacements)? Are there specific avenues for reporting related problems? Are there policies for the compensation/ redress of rights eventually violated?	Excellent. It should be verified that complaints about human rights violations related to PAs can be effectively reported and redressed.	Mechanisms to report and redress human rights violations should be planned and implemented.
Does the PA, or PA system, respect the livelihoods and legal/ customary rights to land and resources of local communities and indigenous peoples?	This is a fundamental measure for equity in conservation	Spare no effort to renew and strengthen the governance of the PA system so that conservation can be effectively reconciled with local livelihoods and the respect of rights, and in particular the legal/ customary rights of vulnerable communities and indigenous peoples.
Are there mechanisms in place to assess and fairly distribute the costs and benefits of the country's PAs? Are there compensation and redress policies and mechanisms in case of loss of access to resources and displacement due to the establishment of protected areas? Are there measures to promote PA-related positive impacts and prevent PA-related	Excellent. It would be good to diffuse information on such mechanisms and the lessons learned in their application.	These mechanisms can best be set in place via governance systems for the PA system and individual PAs that are genuinely participatory, transparent and fair.

Question	if yes	if not
adverse impacts, especially on vulnerable people?		
Are there transparent and culturally appropriate mechanisms to resolve PA-related conflicts? Are justice and legal assistance available to rightholders and stakeholders in case of conflict?	Such mechanisms should be highly valued.	Such mechanisms could be promoted via a wise merging of customary institutions and modern rule of law.
Are there any other questions that, in your view, should be posed to clarify whether the principle of "fairness" has been followed in the case of this system of PAs or individual PA? If so, please pose and answer those questions. Please also record carefully any "action flag" that you may have noted, and the agreed recommendations that the group developed about it.		

Annex 2: A group exercise to examine and discuss the appropriateness of a governance type for a given protected area site

In Table 10, below, column 1 lists a number of key issues, further specified as questions in column 2. A positive answer on any criterion should be noted in column 3. The initial assessment consists in considering only and solely the first three columns of the Table. You should consider all key issues and answer all the questions, before proceeding to the next level of analysis, which regards column 4 (IUCN governance types). If the answer to *any* question for the protected area is YES, this should be indicated by placing an X in the third column and possibly by highlighting the whole row.

Table 10 – Assessing PA governance type vis-à-vis the characteristics of its context

Key issues	Questions	If yes place an X in this column	IUCN governance types			
			Type A	Type B	Type C	Type D
Land tenure, history, rights and equity	Are all relevant land and natural resources owned by the State?		✓	✓	☒	--
	Has State ownership existed for a long time (more than 100 years)?		✓	✓	☒	×
	Has State ownership been strongly and repeatedly challenged by a substantial proportion of the population?		×	✓	--	--
	Are resources and land are privately owned?		×	✓	✓	--
	Has private ownership existed for a long time (more than 100 years)?		×	--	✓	--
	Has private ownership been strongly and repeatedly challenged?		×	✓	--	--
	Are resources and land under some form of community legal ownership or customary ownership (possibly unrecognised by the government)?		×	✓	×	✓
	Are all concerned parties reasonably in agreement about the protected area establishment and management issues?		--	--	--	--
	Are there strong disagreements and conflicts about the protected area establishment and/or specific management issues involving a substantial number of rightholders and stakeholders?		×	✓	×	×
	Do some parties mostly benefit from the protected area, while others consider themselves as net losers?		×	✓	×	×

Table 10 – Assessing PA governance type vis-à-vis the characteristics of its context						
Key issues	Questions	If yes place an X in this column	IUCN governance types			
			Type A	Type B	Type C	Type D
	Are the relevant resources and land under some form of functioning customary management system?		×	--	×	✓
People-nature interaction	Is that historically present?		--	✓	--	✓
	Is that historically absent?		✓	--	--	--
	Is that mostly negative with respect to desired standards for biodiversity?		✓	✓	--	×
	Does that have mixed results with respect to desired biodiversity?		--	--	--	--
	Does that have mostly positive with respect to desired biodiversity?		--	✓	--	✓
	Does that have very positive results with respect to desired biodiversity?		×	✓	--	✓
Environmental services	Is the area providing environmental services to one or more specific communities (water, soil, climate maintenance…)?		--	✓	--	✓
	Is the area providing no environmental services to local communities?		✓	--	✓	--
Social values (livelihoods, economic etc.)	Is the area at the basis of economic livelihood of local communities?		--	✓	×	✓
	Does the area provide extractive socio-economic values for the local communities?		--	✓	--	✓
	Does the area provide non-extractive socio-economic values (e.g. tourism revenues) for the local communities ?		--	✓	--	✓
	Does the area provide few or no socio-economic values for the local communities?		✓	--	✓	--
Traditional occupancy	Does the area comprise traditional settlement/migration routes?		--	✓	×	✓
	Is the area empty of traditional settlements/migration routes?		✓	--	✓	--

Table 10 – Assessing PA governance type vis-à-vis the characteristics of its context						
Key issues	Questions	If yes place an X in this column	IUCN governance types			
			Type A	Type B	Type C	Type D
Sacred and cultural values	Does the area include no sacred and culturally valuable sites, or does it include sites that are neither regularly visited nor appreciated?		✓	--	✓	--
	Does the area include sacred or culturally valuable sites that are regularly visited and appreciated?		--	✓	--	✓
Relation to cultural identity	Is the area crucial for the cultural identity of a country (national patrimony)?		✓	✓	--	--
	Is the area crucial for the cultural identity of one or more indigenous peoples (indigenous patrimony)?		×	--	×	✓
	Is the area crucial for the cultural identity of one or more local communities (community patrimony)?		×	--	×	✓
	Is the area crucial for the cultural identity of one or more families (family patrimony)?		--	--	✓	--
Integration in the landscape/ seascape	Is the area well integrated in the surrounding landscape/ seascape (absence of incompatible surrounding land uses)?		--	--	--	--
	Is the area poorly integrated in the surrounding landscape/ seascape (presence of incompatible surrounding land uses)?		--	✓	--	--
	Is the area forming a unit of its own (e.g. an island)?		--	--	--	--
Interest in management	Is there a strong interest amongst many stakeholder groups?		--	✓	×	✓
	Is there a strong interest only among a minority of rightholders and stakeholders?		✓	×	✓	--
	Is there enerally low level of interest in management amongst stakeholder groups?		✓	×	✓	×

At the next stage of analysis, you may wish to highlight the rows where you have marked a positive answer in column 3. Only the questions/ criteria for which a positive answer was given (the highlighted rows) should be further considered, as these have direct consequences for the governance assessment. For each highlighted row, consider the score noted below for each governance type

Legend for the scoring columns

Particularly compatible with this governance type (this does **not** mean the characteristic is **essential**)	✓
Not incompatible with this governance type	--
Tends to be incompatible for this governance type	×
Normally never suitable for this governance type	☒

The purpose of the next step is to analyse the responses by counting up the frequency of ticks, crosses and boxed crosses that correspond to rating the compatibility or incompatibility with each governance type, and recording these in the summary matrix below. Again, remember that only the highlighted rows (marked with an X in the third column) should be taken into account.

Summary scoring matrices for governance type

Governance	Total ticks	Total crosses	Boxed crosses	**Total**
Type A				
Type B				
Type C				
Type D				

The totals are derived by summing the no of ticks and crosses for each governance type (where each tick = 1 point, and each cross = -1). If any of the governance type includes a boxed cross assessment, , this suggests that this governance type will *not* be suitable for the particular protected area being assessed and should be highlighted in the total column. The scores for each governance type indicate which types are "appropriate" or "more appropriate" for the protected area of your concern (the higher the score, the better the fit). As you will recall, the four main governance types are defined as follows:

Type A	Governance by government (at federal/national/sub-national or municipal level)
Type B	Shared governance
Type C	Private governance
Type D	Governance by indigenous peoples and local communities

The analysis should be the stimulus for a discussion regarding the appropriateness of a particular governance type for the area in question. If the outcome is clear (e.g. there is a strong indication of a governance type as most appropriate), the discussion may be limited to exceptions and questions that have arisen. If the outcome is less clear, exceptions and questions are likely to be more numerous. In all cases, the "appropriate" governance types should be considered in comparison with the existent one.