Governance and equity in conservation

Achieving Aichi Targets 11 and 12

Ashish Kothari, Kalpavriksh and ICCA Consortium

"governance" vis-a-vis "management"

management = *what* to do

governance = *who* decides what to do

management

- **understanding** a situation

- **aims** we wish to achieve

- **actions** to reach those aims

- **monitoring** achievement of aims

governance

- creating / running **institutions** of decision-making

- making & enforcing **rules**

- exercising and sharing **power**

- dividing **responsibilities** and **functions**

- For most of human history, **main decision makers** and **managers** of natural resources have been **indigenous peoples and local communities**

- A huge diversity of **management practices & institutions**

- Conservation by the **state/govt** more recent … now ~13% of earth under formally designated **protected areas**, safeguarding many of world's important ecological and cultural sites

- Conservation and people: a troubled relationship
  - Official policies ignored community conservation knowledge and traditions, displaced or dispossessed them from resource base, created distrust, generated clashes and violence

  - Rebound on conservation: retaliatory acts, non-cooperation with wildlife authorities, loss of local conservation practices

  - Cultural/demographic changes in communities, loss of conservation ethos & practice

  - **But… increasingly positive relationship of collaboration, recognition of community conservation, revival or new interest amongst communities**
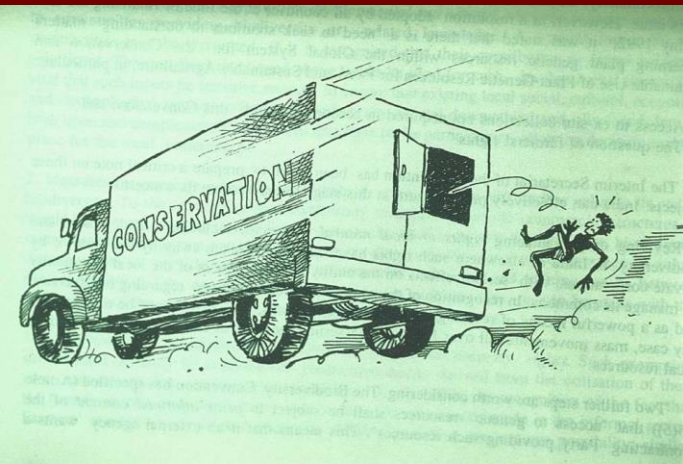
Paradigm shift in conservation in last decade

- **IUCN World Parks Congress**, Durban (South Africa), 2003

- **7TH Conference of the Parties of the Convention on Biological Diversity** (CBD), Kuala Lumpur (Malaysia), 2004

IUCN World Parks Congress Sydney 2014

Clear message of WPC: Local communities matter

Two-thirds of the world's land occupied, used, or owned by indigenous peoples / local communities, with 80% of global terrestrial biodiversity

Nelson Mandela:

"I see no future for parks unless they address the needs of communities as equal partners in their development."

At 7th CBD COP (2004): Programme of Work on Protected Areas (POWPA)

Elements:

n   Planning, establishing, strengthening PA system
1. Governance, participation, equity and benefit sharing
2. Enabling activities (capacity building etc)
3. Standards, assessment and monitoring
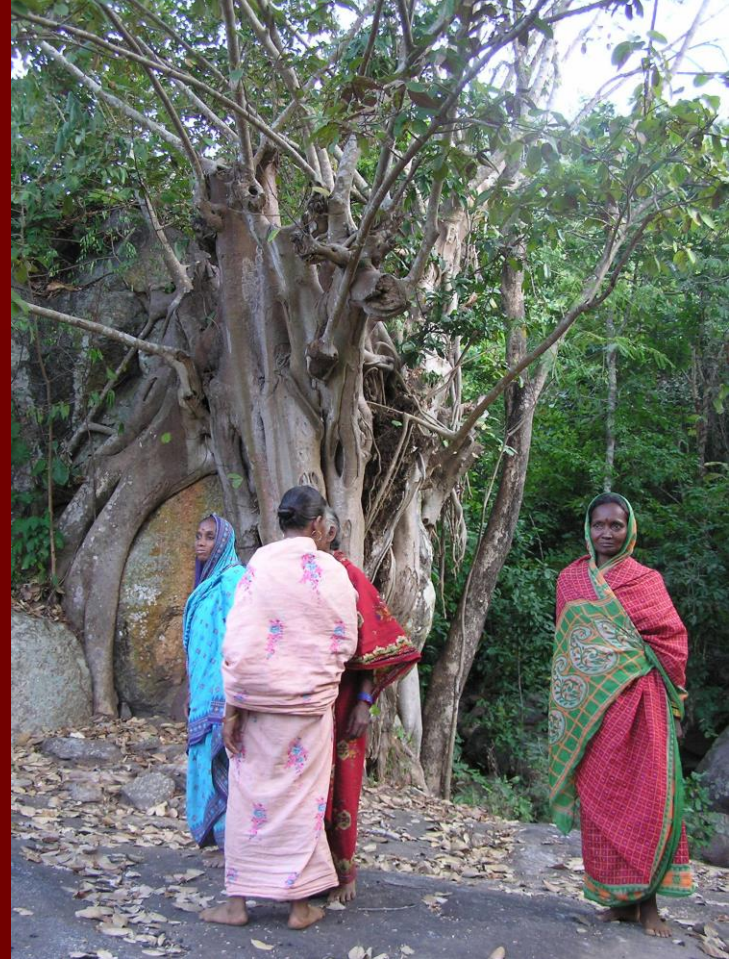
Relevant provisions spread through PoWPA

governance

gender & social equity

1.1.4, 1.1.7, 1.2.1, 1.4.1, 1.5.6
2.1.1 to 2.2.7
3.1.2, 3.1.4, 3.1.6, 3.5.2, 3.5.4
4.2.1, 4.4.2

decentralisation

culture

co-management

Indigenous & community conserved areas

benefits & incentives

private protected areas

customary use

prior informed consent

rights & responsibilities

poverty reduction

participation, involvement

World Parks Congress
Sydney, Nov.2014

- world's largest gathering of conservationists
- more than 6,000 participants of 170 countries (PA officials, NGO workers, activists, politicians, business persons)

8 streams

Stream 6: Enhancing the Diversity & Quality of Governance

Reaching Conservation Goals

Responding to Climate Change

Improving Health and Well-Being

Supporting Human Life

Reconciling Development Challenges

Enhancing Diversity & Quality of Governance

Respecting Indigenous & Traditional Knowledge and Culture

Inspiring a New Generation

Stream 7: Respecting Indigenous & Traditional Knowledge & Culture

Conservation & development

Complementarity of approaches?

Synergies?

from PA islands to conservation landscapes

**development perspective:
from segregation to integrated territorial perceptions**

Isolated protected areas
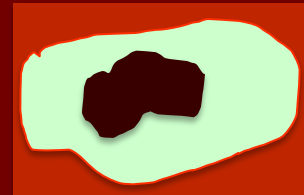
PA as a "blind spot" : no perceived connection with development agenda

Conservation areas with buffer zones around them
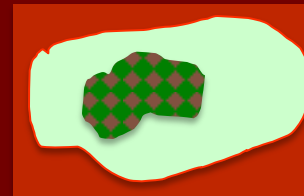
PA as service provider (ecosystem functions)

linear conections between protected areas = biological / ecological corridors

PA expected to generate income via payment for ecosystem services (i.e. water, tourism, carbon storage)

PA's embedded in landscape with different types and intensities of resource use
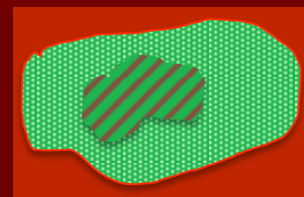
PA's "claimed" by communities, as part of their customary territories / rights

Protected Areas: a shift of paradigms **1**

As it was –
protected areas have been:

- planned and managed against local people

- run by central government

- "set aside" from mainstream concerns

- developed individually

- managed as "islands"

As it is becoming –
protected areas:

- run with, for and/or by local people

- run by many partners

- identified as essential for sustainable ecosystem functions.

- designed and managed as part of national & international systems

- designed & managed at landscape scale

Inspired by: A. Phillips 2002 + 2014

Protected Areas: a shift of paradigms   **2**

As it was –
protected areas have been:

- established for biodiversity conservation

- focus on preservation and protection

- managed reactively within short term frameworks

- financed by the state

As it is becoming –
protected areas:

- are in addition, linked with a range of development objectives

- focus also on rehabilitation and restoration

- are managed adaptively in a longer term perspective

- are financed from diverse sources

in line with principles of CBD 's most relevant tool: Ecosystem Approach

Inspired by: A. Phillips 2002 + 2014

Two key policy innovations on *governance* of protected areas

- **"quality"**
  (*how* are PAs they governed?)

- **"types"**
  (*who* governs the PAs?)

What is the *quality* of protected area governance? What is *equity*?

Equitable sharing of costs and benefits

Respect of *human rights*: no forcible displacement, no deprivation of essential livelihood resources without alternatives

Respect of *customary rights, tenure*, diverse *knowledge* systems

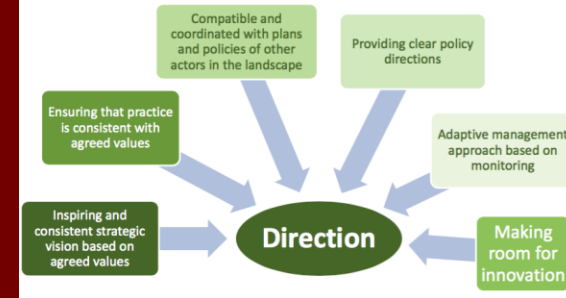Central *involvement* of indigenous peoples / local communities

Transparency & accountability of PA authorities to the public

Principle of *subsidiarity* (those closest to resource are central to governing/managing it)
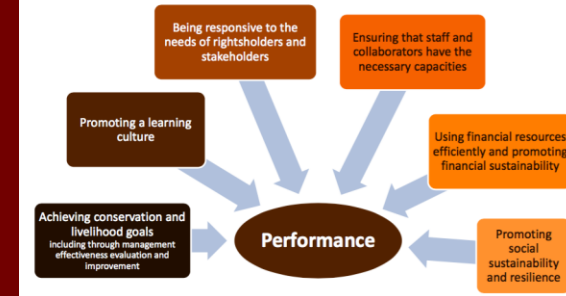
Applicable to each PA, and to PA system as a whole

Governance quality

The IUCN principles of good governance for protected areas

5. Fairness and rights
- Impartial and consistent law enforcement
- Letting decency and dignity prevail
- Respecting substantive rights (legal or customary, collective or individual)
- Ensuring that livelihoods of vulnerable groups are not adversely affected
- Respecting procedural rights (consultation, conflict management)
- Striving towards equitable sharing of costs and benefits
- Respecting human rights and rights of indigenous peoples
- **Fairness and rights**

1. Legitimacy and voice
- Special support to vulnerable groups
- Maintaining dialogue and seeking consensus
- Promoting mutual respect
- Fostering active engagement of rights- and stakeholders
- Honouring agreed rules
- Governance institutions are broadly accepted and appreciated in society
- Subsidiarity
- **Legitimacy and voice**

2. Direction
- Compatible and coordinated with plans and policies of other actors in the landscape
- Providing clear policy directions
- Ensuring that practice is consistent with agreed values
- Adaptive management approach based on monitoring
- Inspiring and consistent strategic vision based on agreed values
- Making room for innovation
- **Direction**

3. Performance
- Being responsive to the needs of rightsholders and stakeholders
- Ensuring that staff and collaborators have the necessary capacities
- Promoting a learning culture
- Using financial resources efficiently and promoting financial sustainability
- Achieving conservation and livelihood goals including through management effectiveness evaluation and improvement
- Promoting social sustainability and resilience
- **Performance**

4. Accountability
- Ensuring clear roles and lines of responsibility and answerability
- Ensuring resources are targeted to objectives
- Evaluating performance and linking quality of results with rewards and sanctions
- Ensuring transparency / access to information
- Establishing communication avenues
- Upholding the integrity and commitment of all in charge of specific responsibilities
- Ensure independent oversight
- **Accountability**

IUCN Good governance principles for PAs
- Legitimacy and voice
- Direction
- Performance
- Accountability
- Fairness and rights

adapted from Lang & Lassen, 2015

Participation in PA decision-making : a continuum
(authority, responsibility and accountability)

Full governance by govt agency	Shared governance by govt agency and communities / individuals	Full governance by communities / individuals

ignoring or repressing other stakeholders	consulting, seeking consensus, sharing benefits	sharing authority and responsibility in equal & formal way (e.g. co-management body)	greater role of stakeholders in decisions, less of govt	recognising/ transferring full authority and responsibility

NOTE: various intermediate stages, e.g. decisions predominantly by govt, some consultation with communities/individuals

This is *not* shared governance

Group exercises

1. PA governance continuum

2. PA governance / management matrix

Part 1: PA Governance Continuum (for Individual PAs)

(Pl. mark the type where most of your PAs are situated; exceptions may pl. be noted below)

Type A	Type B	Type C
Exclusive decision-making by govt	Shared governance between govt and communities	Exclusive decision-making by communities

Type A <------------------> B <------------------> C

Type A - B
Communities consulted by govt, but no decision-making powers

Type C - B
Govt consulted by Communities, but no decision-making power

Type B - A
Communities involved in some decisions, most taken by govt

Type B - C
Govt involved in some decisions, most taken by Communities

Part 2: PA Governance continuum (for PA system as a whole)

(pl. mark the type your PA system comes closest to)

Type A	Type B	Type C
Exclusive decision-making by govt	Shared governance between govt and communities	Exclusive decision-making by communities

$\longleftarrow\cdots\cdots\longrightarrow$ $\longleftarrow\cdots\cdots\longrightarrow$

Type A - B

Communities consulted by govt, but no decision-making powers

Type C - B

Govt consulted by Communities, but no decision-making power

Type B - A

Communities involved in some decisions, most taken by govt

Type B - C

Govt involved in some decisions, most taken by Communities

Key questions

For individual protected areas

1. Are communities involved in governance, including in management agency?

2. Are communities themselves governing PAs (recognized or unrecognized)?

3. Is free and prior informed consent of communities required by law?

4. Are the rights (to lands, territories, resources) of communities recognized?

For PA system

5. Are communities involved in the PA system as a whole (including in planning the system, designation of PAs, & their monitoring/assessment)?

Based on above…

7. What key changes are needed in law and practice?

8. What main next steps would you propose, and commit to?

Report back and discussions

- Overview of each country: current status of governance quality / equity

- Key recommendations towards more equitable, participatory PA system to achieve Aichi 11 & 12

- Main hurdles and opportunities

- Key follow up steps (country-wise & collectively)

WHAT IS *DIVERSITY* OF GOVERNANCE?

4 main "governance types" :

A. government

B. indigenous peoples and
    local communities

C. private owners

D. collaborative partners

all types are legitimate and important for conservation!

IUCN matrix of protected areas categories and governance types (2008 IUCN Guidelines)

Governance type / Category (manag. objective)	A. Governance by Government			B. Shared Governance			C. Private Governance			D. Indigenous Peoples & Community Governance	
	Federal or national ministry or agency	Local/ municipal ministry or agency in change	Government-delegated management (e.g. to an NGO)	Trans-boundary management	Collaborative management (various forms of pluralist influence)	Joint management (pluralist management board)	Declared and run by individual land-owner	…by non-profit organisations (e.g. NGOs, univ. etc.)	…by for profit organisations (e.g. corporate land-owners)	Indigenous bio-cultural areas & Territories- declared and run by Indigenous Peoples	Community Conserved Areas - declared and run by traditional peoples and local communities
I - Strict Nature Reserve/ Wilderness Area											
II – National Park (ecosystem protection; protection of cultural values)											
III – Natural Monument											
IV – Habitat/ Species Management											
V – Protected Landscape/ Seascape											
VI – Managed Resource											

Buzz groups

- Can you think of a PA in Type B, C, or D?
- Tell your neighbour about it in a minute

Diversity of governance

Global protected area by IUCN governance type

1990

2010
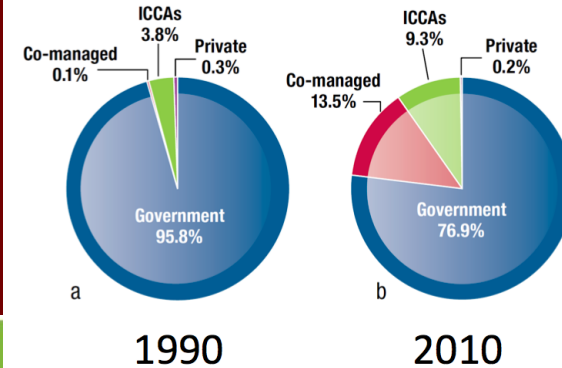
Why promote governance diversity in a PA system?

Recognition of a diversity of management categories and governance types helps to:

- Achieve coverage targets
- Close gaps
- Build connectivity
- Involve more stakeholders and improve social acceptance
- Improve adaptability and resilience of the system

- National policies increasingly focusing on two under-utilised governance types:
  - **shared governance** (Co-managed Protected Areas)
  - **community governance** (Indigenous Peoples' and Community Conserved Territories & Areas)

Co-managed Protected Areas (CMPAs)

protected areas where decision making power, responsibility and accountability are shared between various actors, e.g. government, local communities, NGOs…

Widespread form of management … the norm in Europe, Canada, Australia … increasingly adopted in the Americas … emerging in Asia and Africa…

Examples of CMPAs

- **French Regional National Parks:** municipal authorities, communities, NGOs, and private sector
- **Annapurna CA,** Nepal: national NGO and local communities
- **Community Reserves,** India: community & govt
- **Galapagos National Park:** local participatory management board to inter-institutional authority
- **Canadian national parks:** provincial government agencies and indigenous peoples
- **Kaa-iya del Gran Chaco National Park, Bolivia:** national park service and Isoseno-Guarani indigenous people

Indigenous Peoples' and Community Conserved Territories & Areas (ICCAs)

"...natural and modified ecosystems including significant biodiversity, ecological services and cultural values voluntarily conserved by concerned indigenous and local communities through customary laws or other effective means..."

Oldest form of conservation...at times recognised by the state, most often not recognised

three defining characteristics of CCAs

- Specific indigenous peoples or local communities related to them culturally and/or because of livelihoods

- Such communities have the key power in deciding, implementing & enforcing management decisions *(by law, or in practice)*

- Community initiative is achieving conservation results — although intention may be for diverse reasons.

sacred spaces & habitats...

Sacred crocodile pond, Mali

Chizire sacred forest, Zimbabwe

Forole sacred mountain
Borana/ Gabbra
Ethiopia/ Kenya
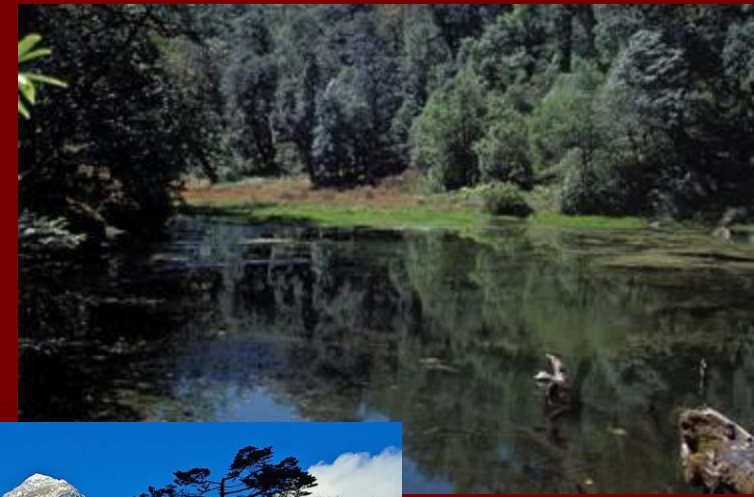
Sacred landscapes, Indian/Nepal Himalaya
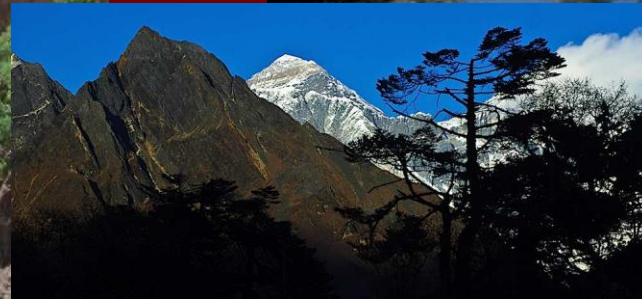
indigenous territories and cultural landscapes/seascapes...

Caribou crossing site in Inuit territory, Canada

Alto Fragua Indi-wasi National Park, Colombia

Paruku Indigenous PA, Western Australia

territories & migration routes of nomadic herders / mobile indigenous peoples

Wetlands in Qashqai mobile peoples' territory, Iran

sustainably-managed wetlands, coastal areas, fishing grounds ...

Local marine reserves, Philippines
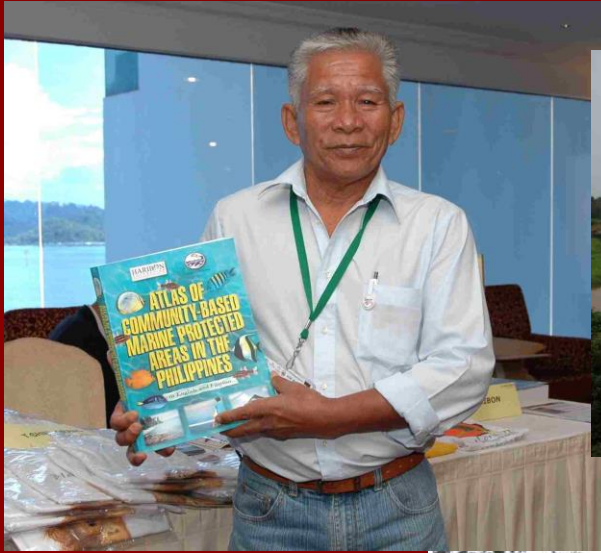
Community protected wetland, Yilan, Taiwan

Mangalajodi, Odisha, India

Coron Island ancestral domain, The Philippines

Lubuk Larangan river, Mandailing, Sumatra, Indonesia

range of community conserved areas...

sustainably-managed resource reserves (those with substantial wildlife value)

Qanats, Central Asia

Community forests, Bangladesh, India, Nepal, Thailand

Parc Jurassien Vaudois, Switzerland

Jardhargaon forest, Indian Himalaya

sacred or culturally protected species and their habitats

examples from India

community-established and managed protected areas held under common property in industrialised countries...

Ancestral territory of the Regole of Cortina d'Ampezzo (today Regional Park) Italy – 1000 years of recorded history!

American community forests…

What is the worldwide extent of ICCAs?

Hundreds of thousands of ICCAs, most undocumented

No overall figure of extent; some indications:

Place / kind of ICCA	Extent
Global: Indigenous/community managed forests	At least 370 m. ha.
Australia: Indigenous PAs	36 mill. ha.
Bolivia: TIOCs (peasant/indigenous territory)	12 mill. ha.
Fiji: Locally Managed Marine Areas	1.77 mill. ha.
Brazil: Indigenous reserves	Substantial part of 145 mill. ha.
Namibia: Conservancies	13.27 mill. ha
Philippines: Ancestral Domains	4.25 mill. ha

What is the worldwide significance of ICCAs?

- Conserve a wide range of ecosystems, habitats, species … *could double the earth's PA coverage! (Aichi 11, 12)*

- Maintain critical ecosystem services *(Aichi 11)*

- Are the basis of livelihoods and cultural identity for millions of people

- Are built on sophisticated ecological knowledge

- Are adaptively managed through site-specific institutions

Shimshal Community Conserved Area, Pakistan

Setulang river, Indonesia

Walalkara Indigenous PA, Australia

Yet, ICCAs threatened & insecure (varying degrees in different countries)

Most ICCAs are not yet identified or documented!

Many ICCAs threatened by forces of 'development', commercialisation, cultural change

No / weak /inappropriate recognition

Conservation legislation slow to adapt to ICCAs
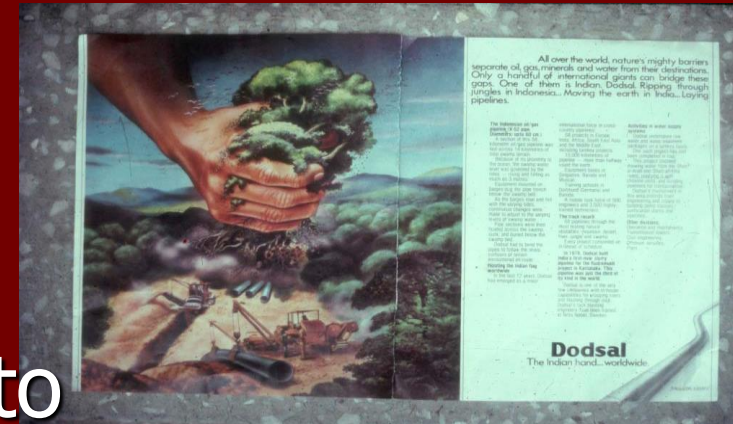
Using a variety of PA categories and governance types can help to:
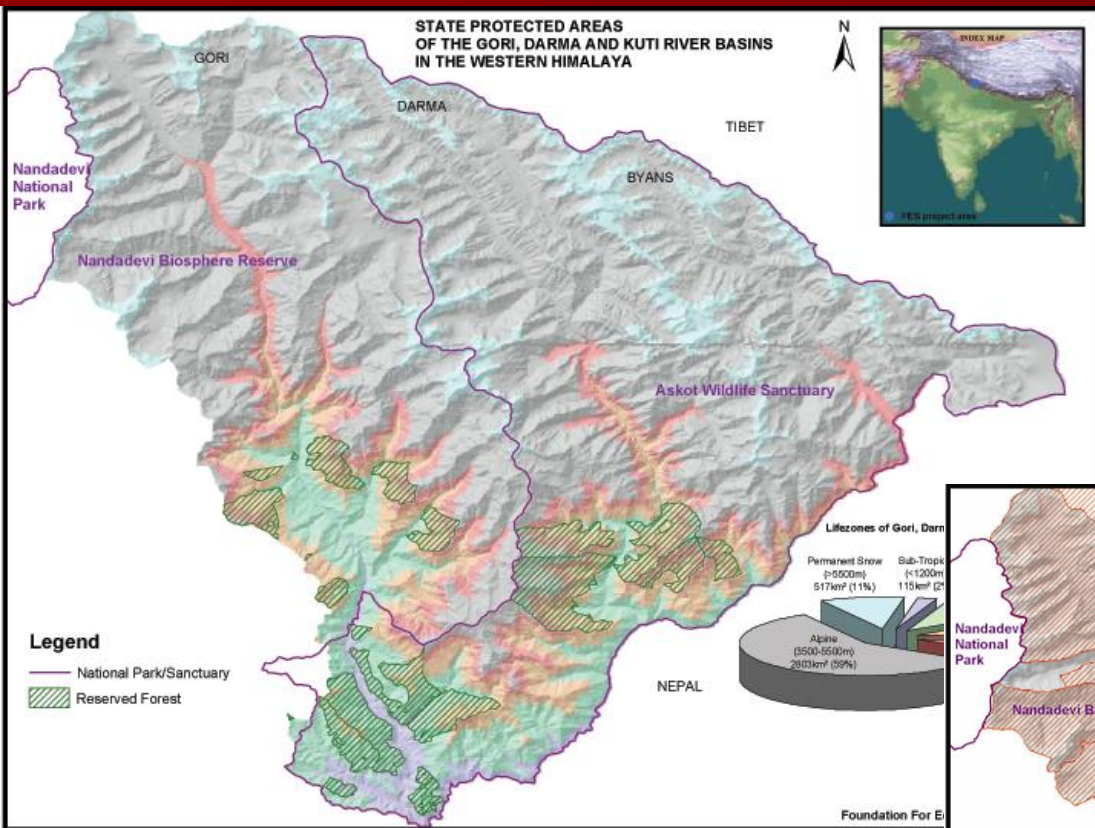
- expand the coverage of protected areas
- address gaps in the system: more coherent PA systems
- increase flexibility and responsiveness of the system (e.g. to climate change)
- enhance public support for conservation

meet Aichi Target 11: 'system of PAs and other effective area-based conservation measures' covering 17% terrestrial / 10% marine
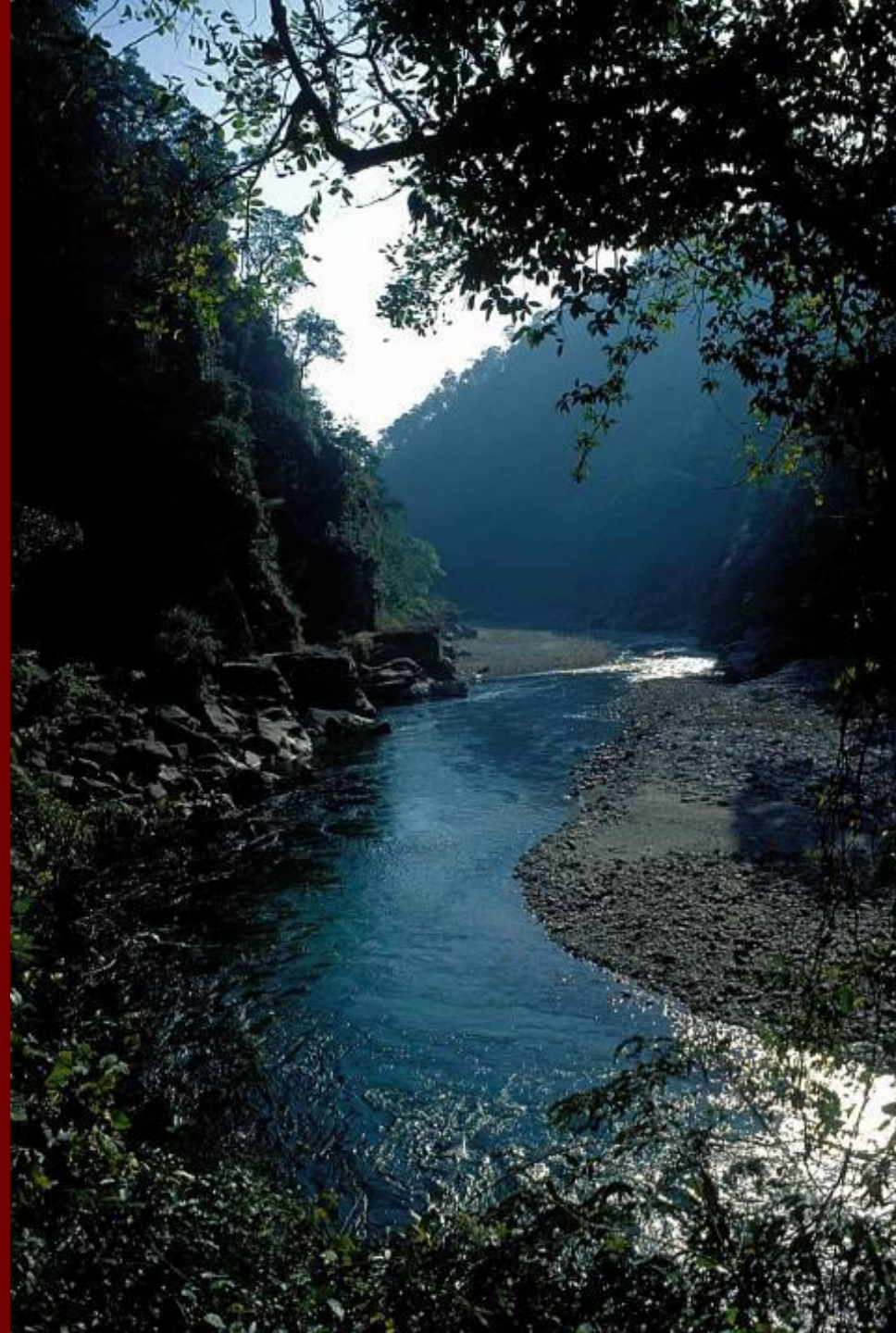
Using a mosaic approach to achieve conservation across the landscape: various conservation and governance categories

Uttarakhand: Van Panchayats (community forest councils) are spread over several hundred sq.km *within & between* govt PAs …. and act as critical wildlife corridors
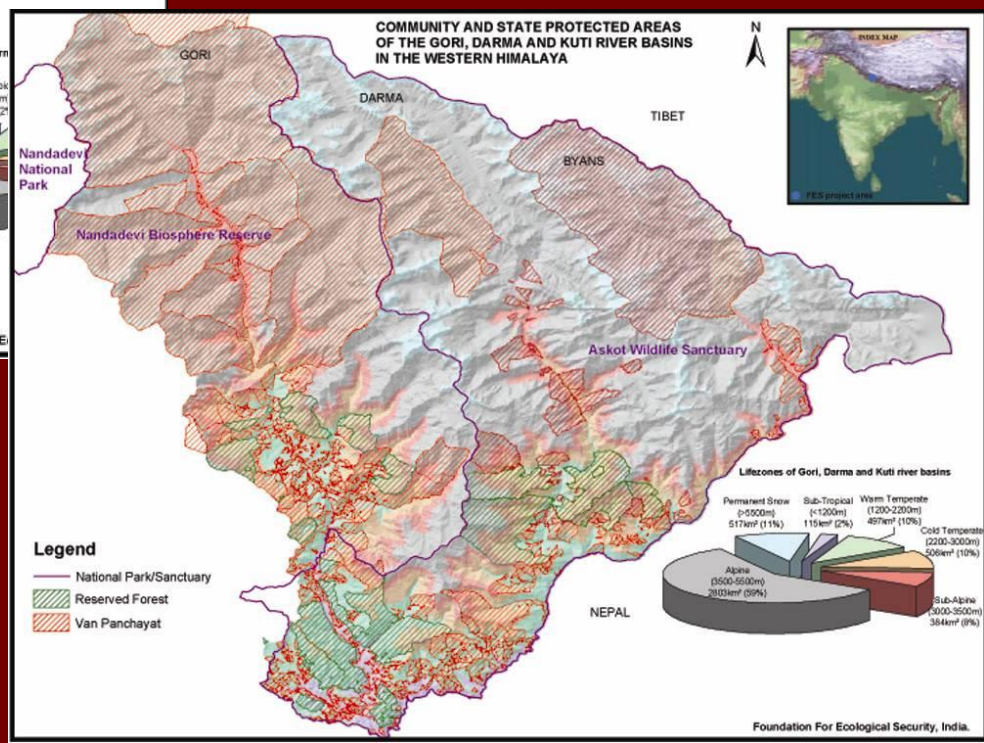
Qs: what would an effective governance institution for entire landscape?

Courtesy: Foundation for Ecological Security, India

Guidance on ICCAs

New kid on the block: Other Effective Area-Based Conservation Measures (OECMs)

Areas that are effectively conserved but not part of the official protected area system

OECMs are "**clearly defined geographical space where de facto conservation of nature and associated ecosystem services and cultural values is achieved and expected to be maintained in the long-term regardless of specific recognition and dedication**" (Borrini-Feyerabend & Hill 2015)

Need to clarify:

'Effective'?
'Area-based'?
'Conservation'?

'Measures'?
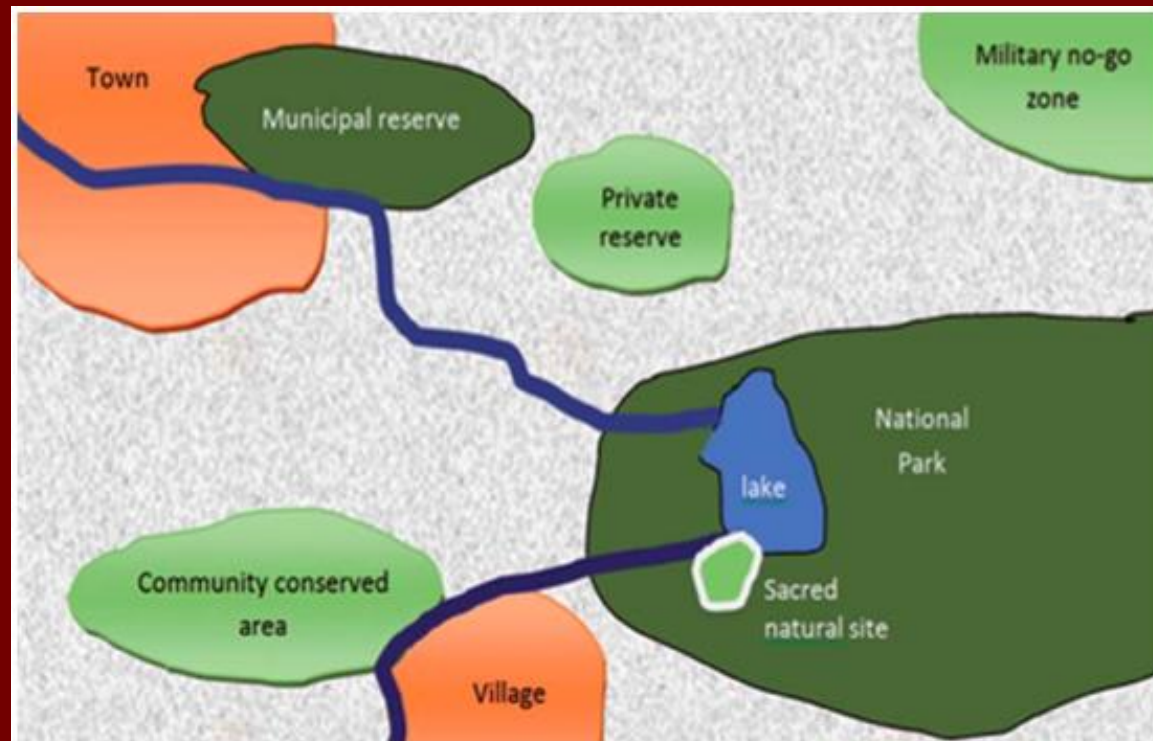
Back to CBD Protected Area Programme of Word... A sample of committed activities

By 2006...

- National reviews to include innovative governance types: indigenous/community conserved areas (ICCAs), private protected areas (PPAs), co-managed protected areas (CMPAs)

- Studies on integration of PAs into sectoral plans, e.g. poverty reduction strategies

- Develop methods, standards, criteria, indicators re. PA governance

A sample of committed activities

By 2008…

■Full participation, respecting rights & responsibilities, in all PAs (existing and new)

■Policies & measures to eliminate illegal trade, taking into account sustainable customary uses (article 10c)

Why the mammoth became extinct.

A sample of committed activities

By 2008...

- Mechanisms for equitable sharing of costs and benefits (incl. assessments)

- Promotion & legal recognition of full set of governance types (incl. ICCAs, PPAs, CMPAs)

- Consider governance principles: decentralisation, participation, accountability...

A sample of committed activities

By 2008...

- Resettlement only with prior informed consent

- Public awareness re. needs, priorities, values of indigenous/local communities and of their knowledge

- Mechanisms for dialogue & information exchange between officials and indigenous/local communities

A sample of committed activities

By 2010/2012…

■Establishment of PAs benefiting indigenous/local communities, incl. respect and maintenance of traditional knowledge (article 8j)

■All PAs to have effective management, using highly participatory planning processes

COP10 stressed action by parties to:

- Provide greater attention to Element 2 of PoWPA

- Diversify / strengthen PA governance types

- Recognise co-managed PAs, ICCAs, private PAs

- Incorporate good governance principles

Implementation of Governance aspects of PoWPA

- **National implementation of Element 2, generally poor**
  - Many countries not yet recognised new governance types of PAs, e.g. ICCAs
  - Most countries not fully integrated rights, equitable sharing of costs and benefits, and democratic decision-making
  - Multi-stakeholder committees not yet set up, or are without adequate community representation

Implementation of Governance aspects of PoWPA

- **Some progressive policy and practice, e.g.**
  - Iran: recognition of pastoral peoples' ICCAs
  - Nepal: hand-over of one PA to communities
  - India: recognition of forest rights (including in PAs)
  - Philippines: recognition of ancestral domain ICCAs, integrating ICCAs in PA system
  - Australia, Columbia, Canada: recognition of indigenous territories, co-management & ICCAs
  - South Africa: restitution of territories in PAs
  - Madagascar: tripling PA coverage, using various governance types including ICCAs

Inappropriate implementation

- Top-down 'participatory' policies sometimes counter-productive, e.g. replacing diverse local self-governance structures with uniform 'co-management' institution under some control of government (*e.g. India's Community Reserves*)

Governance assessment, evaluation and action

1. Steps in the process
2. Possible results of a system assessment
3. Possible results of a site assessment

IUCN

Governance
of Protected Areas

From understanding to action

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

Developing capacity for a protected planet

Best Practice Protected Area Guidelines Series No.20

WCPA   BIOPAMA   BMZ

Assessing and evaluating PA governance

Assessment
- History and culture
- Actors and institutions
- Spatial analyses
- Governance process & quality

System level

Site level

Evaluation
- How does the situation compare to our objectives?
- What options exist to improve the situation?

Improving action
- What do we want to do about it?
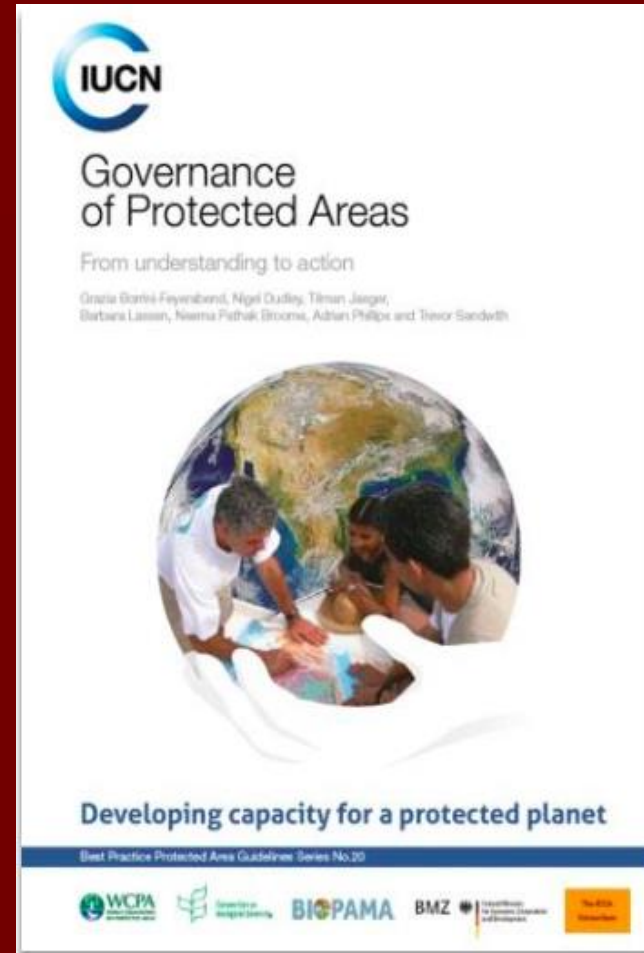
Latest global reviews and guidance

Chapters on
- **Governance**
- **Resource use**
- **Socio-economic aspects**

IUCN

Protected Area Governance and Management

Editors: Graeme L. Worboys, Michael Lockwood, Ashish Kothari, Sue Feary and Ian Pulsford

WCPA WORLD COMMISSION ON PROTECTED AREAS

Convention on Biological Diversity

BIOPAMA

For further information:

www.iccaforum.org, www.TILCEPA.org

chikikothari@gmail.com

A few questions for us

- Does my country have examples of various governance types of PAs?

- Are all these types recognised in law and policy?

- Are all these types incorporated into the PA network?

- Are Indigenous & Community Conserved Areas (CCAs) adequately identified and supported?

- Are principles of good governance built into the PA laws/policies & practices?

- Are OECMs identified and recognised?

Group exercises

1. PA governance continuum

2. PA governance / management matrix

IUCN matrix of protected areas categories and governance types (2008 IUCN Guidelines)

Governance type / Category (manag. objective)	A. Governance by Government			B. Shared Governance			C. Private Governance			D. Indigenous Peoples & Community Governance	
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II – National Park (ecosystem protection; protection of cultural values)											
III – Natural Monument											
IV – Habitat/ Species Management											
V – Protected Landscape/ Seascape											
VI – Managed Resource											

Key questions

1. Are there sites that qualify as protected areas, governed by agencies/individuals other than government?

2. Are such sites integrated by the government *within* the official protected area system?

3. Are such sites recognized by the government, *outside* of the official protected area system, e.g. as OECMs?

4. Are current laws / policies adequate for such recognition? If not, what kind of changes are needed?

5. What main next steps would you propose, and commit to?

Report back and discussions

- Overview of each country: current status of governance diversity

- Key recommendations towards more diverse PA system to achieve Aichi 11 & 12

- Main hurdles and opportunities

- Key follow up steps (country-wise & collectively)