Governance Quality for Protected Areas

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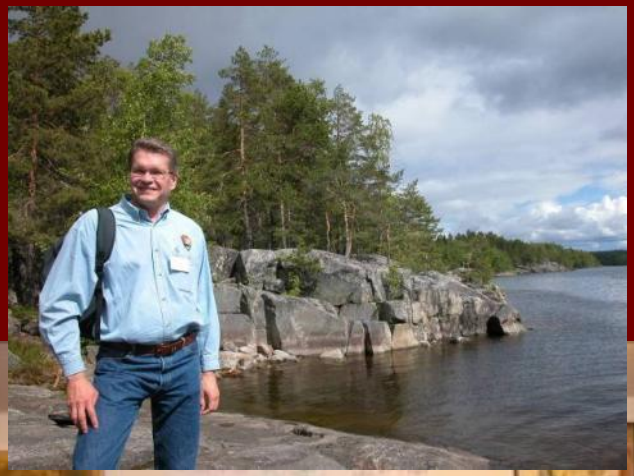
Group work
Taking one area:

- How are decisions made in this area¨?
- Who is involved in making decisions?
- What issues have arisen?
- How have these been addressed?

…across the world, "conservation" is changing…

a movement that has been building up for years among local communities, indigenous peoples, conservation professionals, policy makers, government staff and protected areas officials…

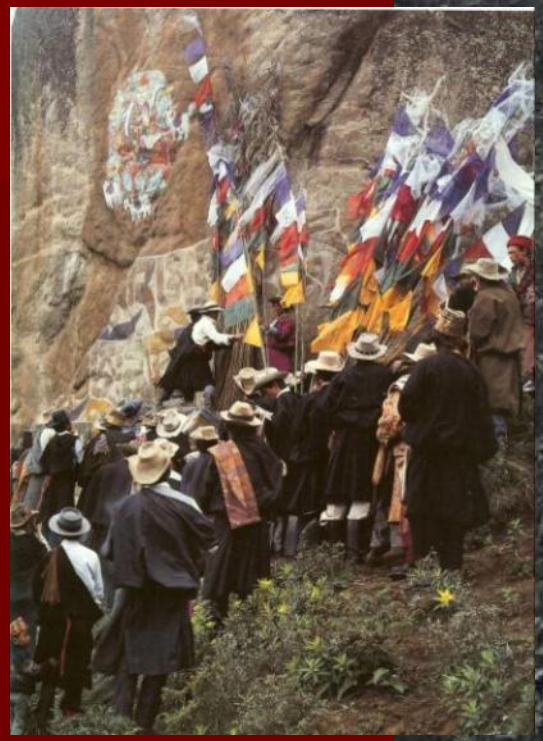


… has been enshrined in international policy and agreements: …World Parks Congress (Durban 2003)… CBD PoWPA (2004)… numerous IUCN Resolutions (2004, 2008, 2012)… the UN Declaration on the Rights of Indigenous Peoples (2007)… Strategic Plan for Biodiversity …..

- **Conservation needs the capacities, concerns & engagement of society as a whole, not of expert professionals or government officials only…**

- **Conservation needs to pay more attention to the crucial ties between biological and cultural diversity**

…the conditions that allow indigenous peoples and local communities to be empowered for conservation



- **Conservation needs equity—a fair sharing of the costs and benefits of conserving biodiversity and managing natural resources in a sustainable way**

- **Conservation needs to respect human rights and indigenous peoples' rights:**

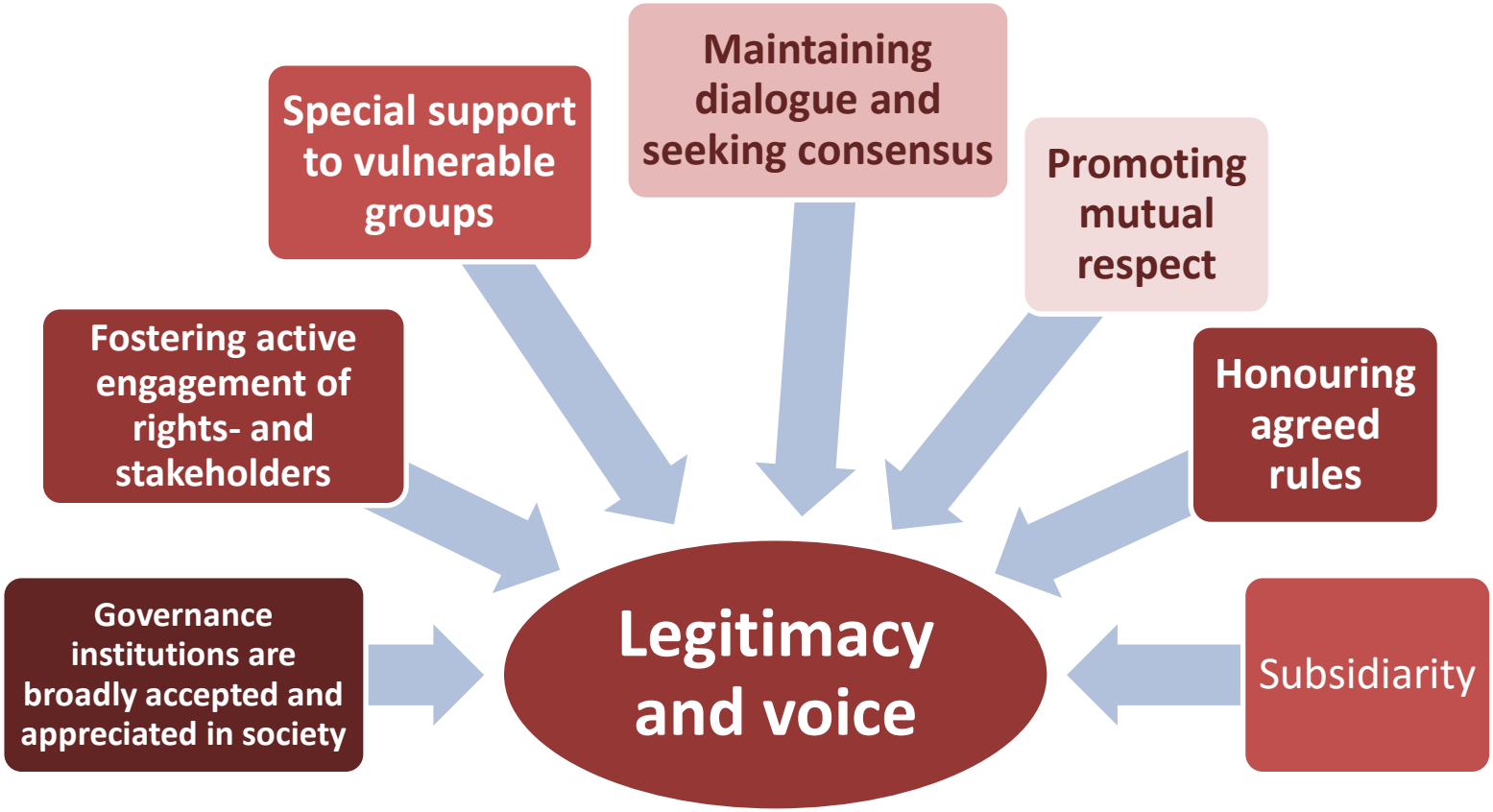
…do all that is possible to "do no harm" and, rather, have a positive impact on livelihoods…

Quality:
principles of "good governance"

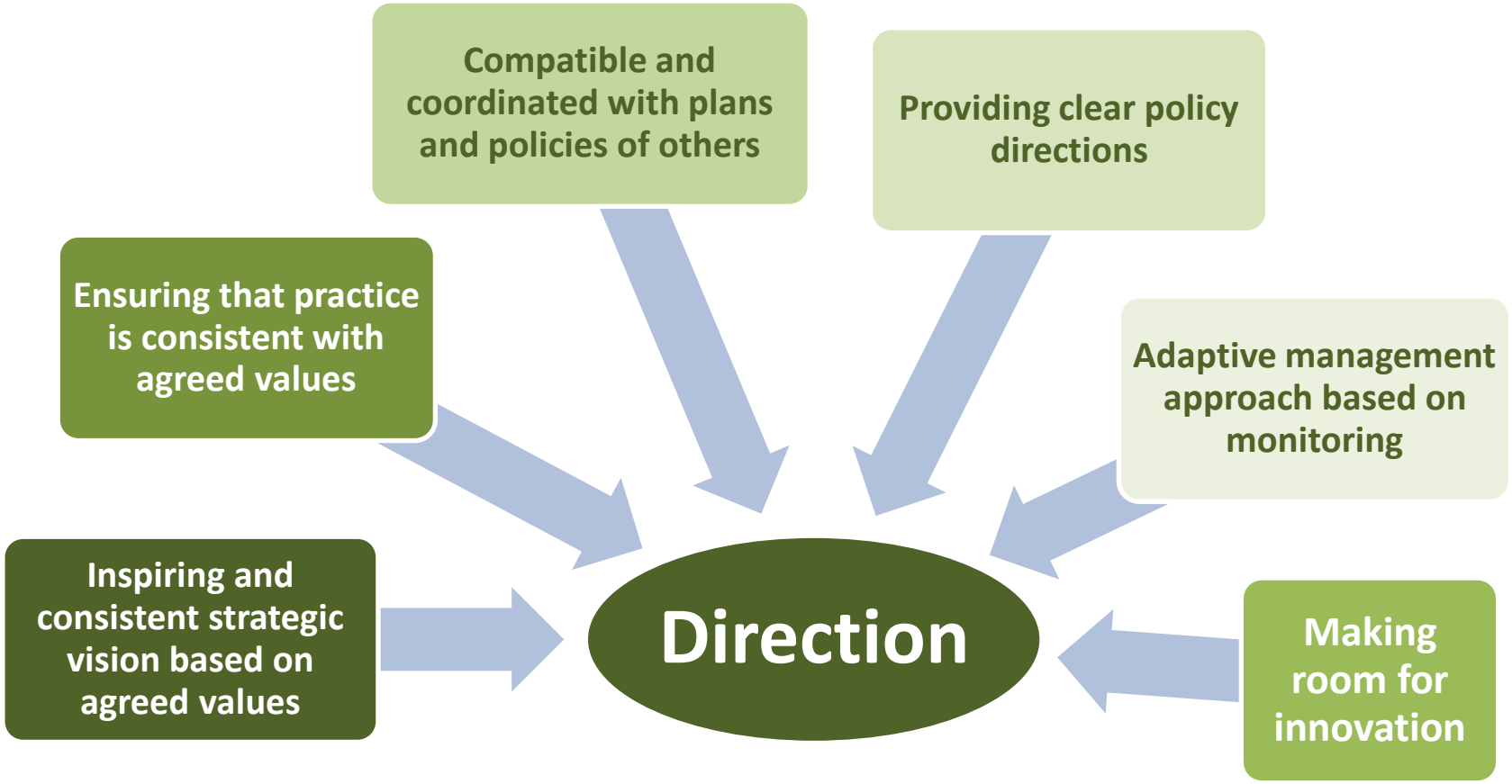
...the IUCN recognises:

- **Legitimacy and Voice**
- **Direction**
- **Performance**
- **Accountability**
- **Fairness and rights**

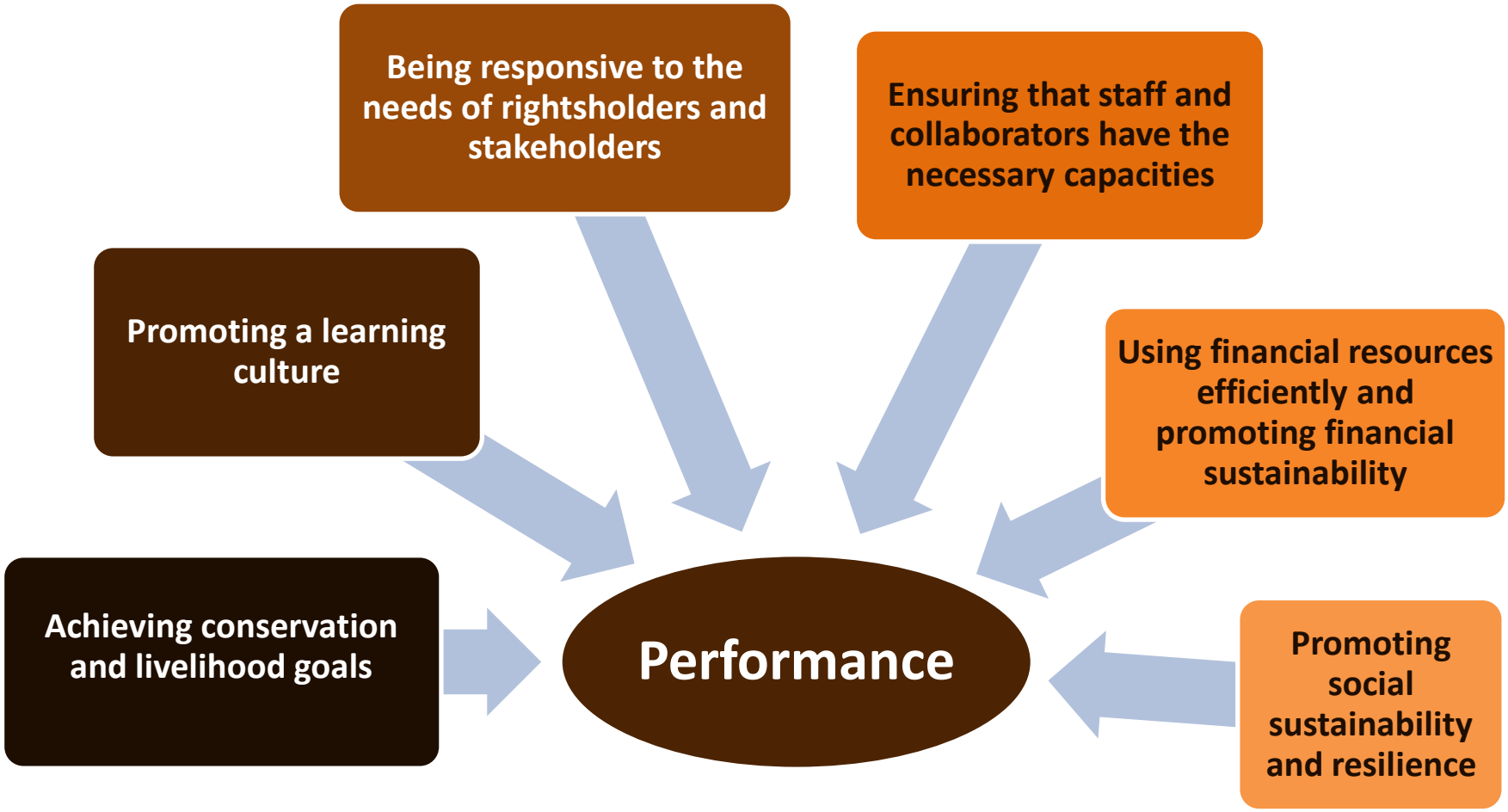
1. Legitimacy and voice



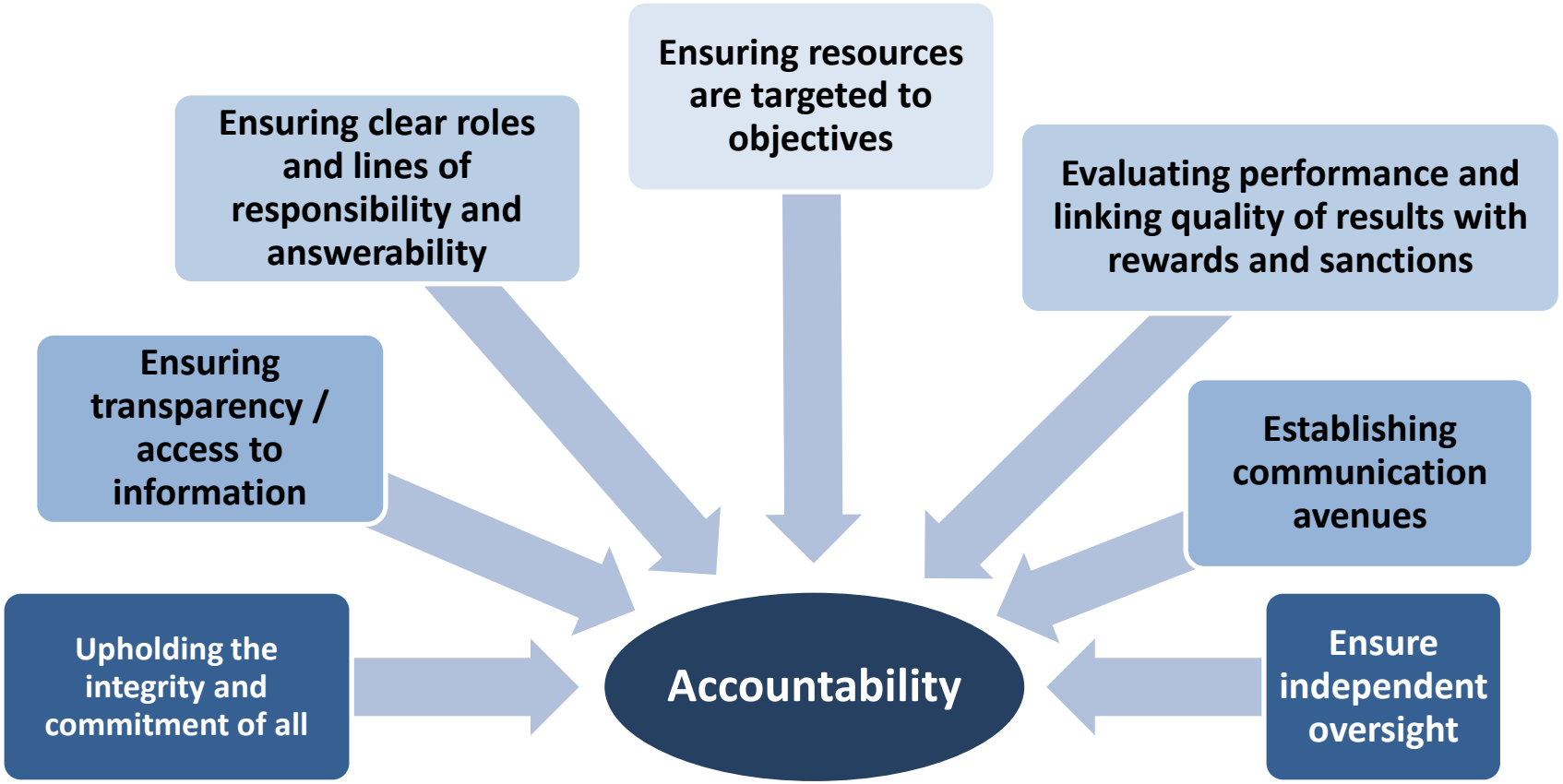
2. Direction


Compatible and coordinated with plans and policies of others
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
Direction
Making room for innovation

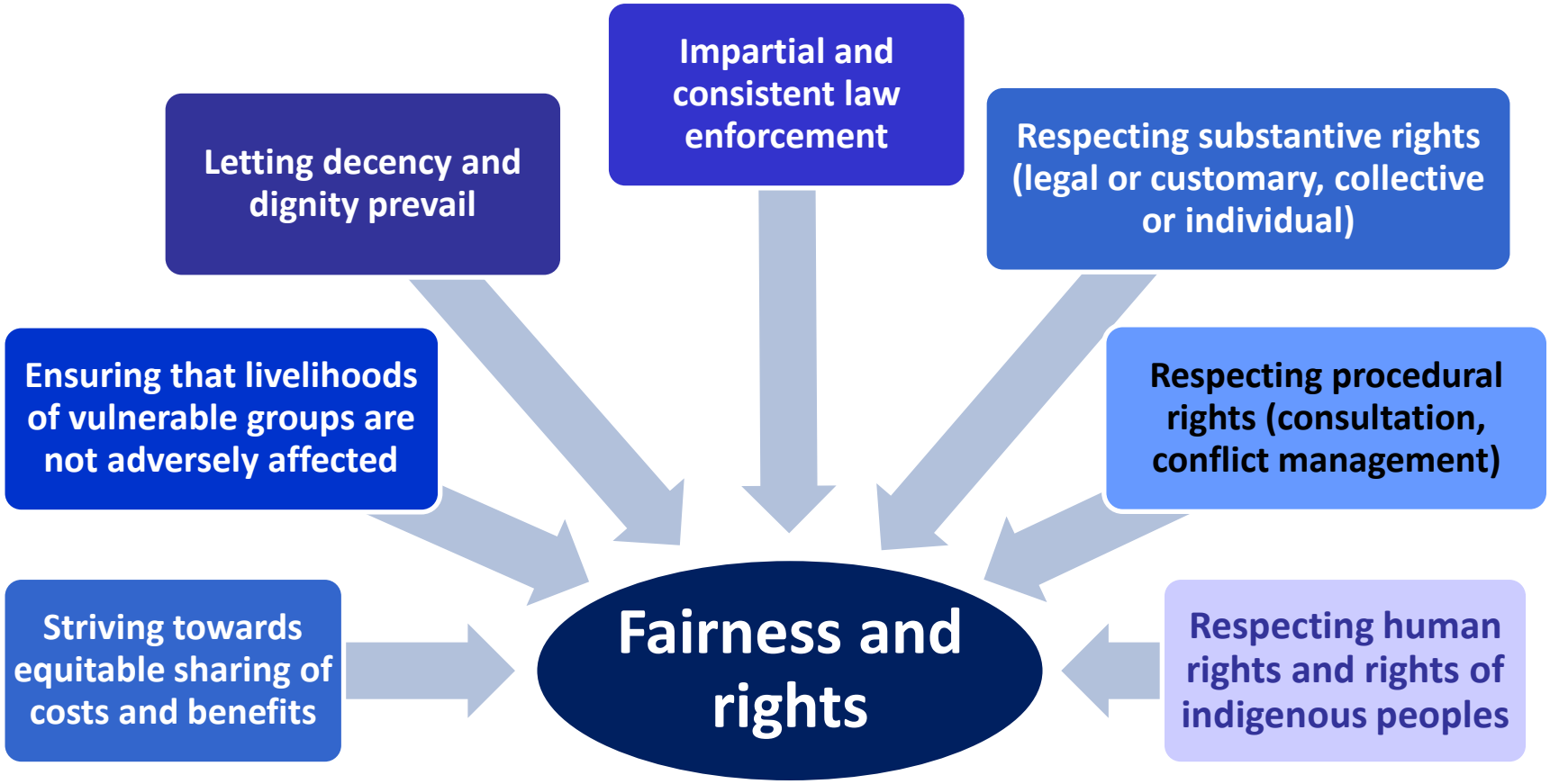
3. Performance



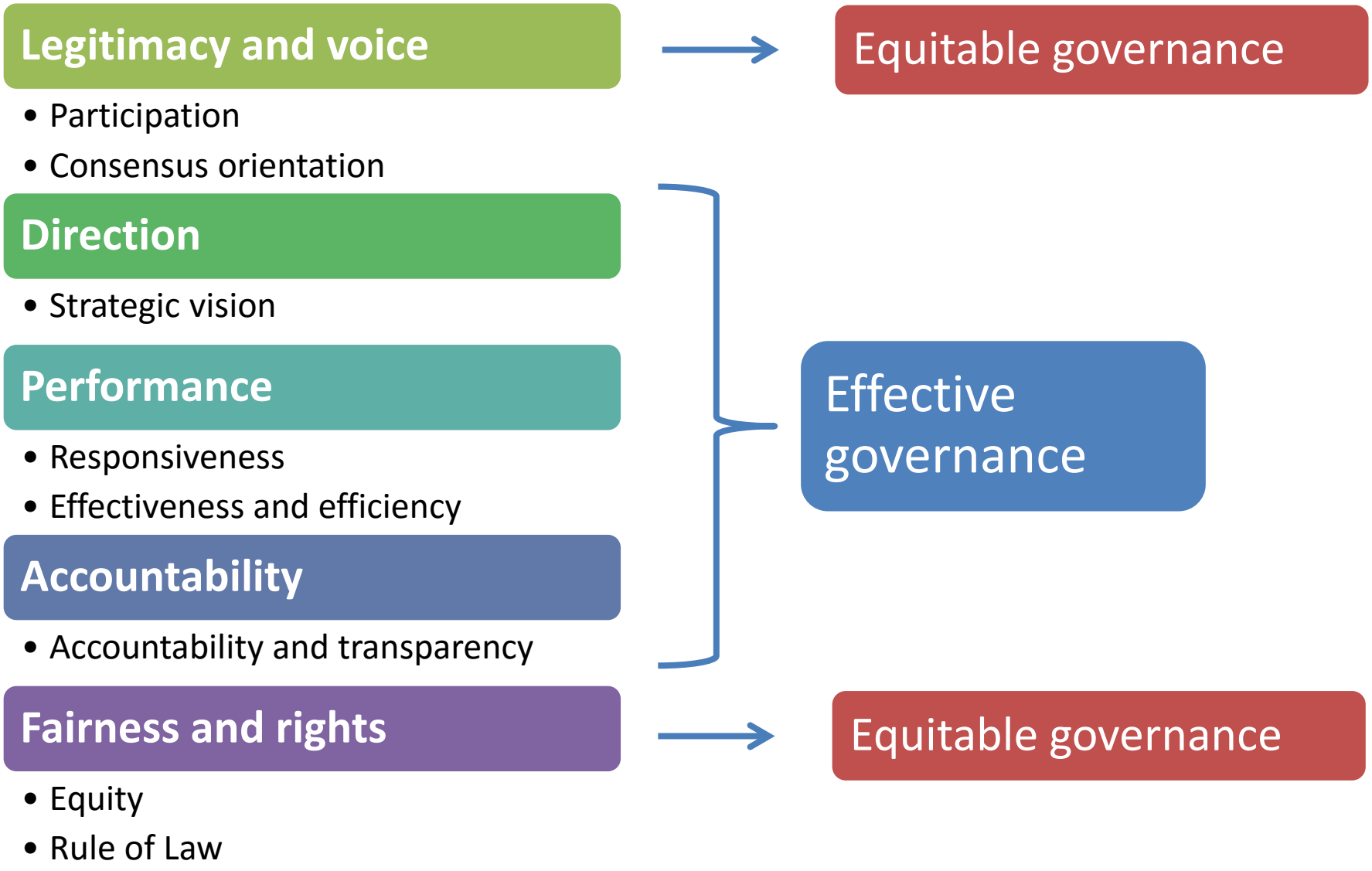
4. Accountability



5. Fairness and rights



Principles of good governance



Assessing and evaluating PA governance

System level

Site level

Assessment

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

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?

the governance assessment, evaluation and action process

Phase1:

the Team plans the process

Phase 2:

gathering information and technical support, promoting awareness, helping participants to organise (some weeks or months)

Phase 3:

workshop to assess and evaluate governance and plan for action (one week to ten days)

Phase 4:

taking action and obtaining results (..for as long as it is needed)

- Listing and mapping of protected areas
- History and culture
- Actors and institutions
- Conservation *de jure* (legal analysis)
- IUCN Protected Area Matrix analysis
- Spatial analysis of governance for protected areas
- Listing, mapping and conservation status of APIs
- Active damage and risk analysis for APIs
- Spatial analysis of governance for APIs
- Governance quality

"phase III"
assessment steps for a PA system...

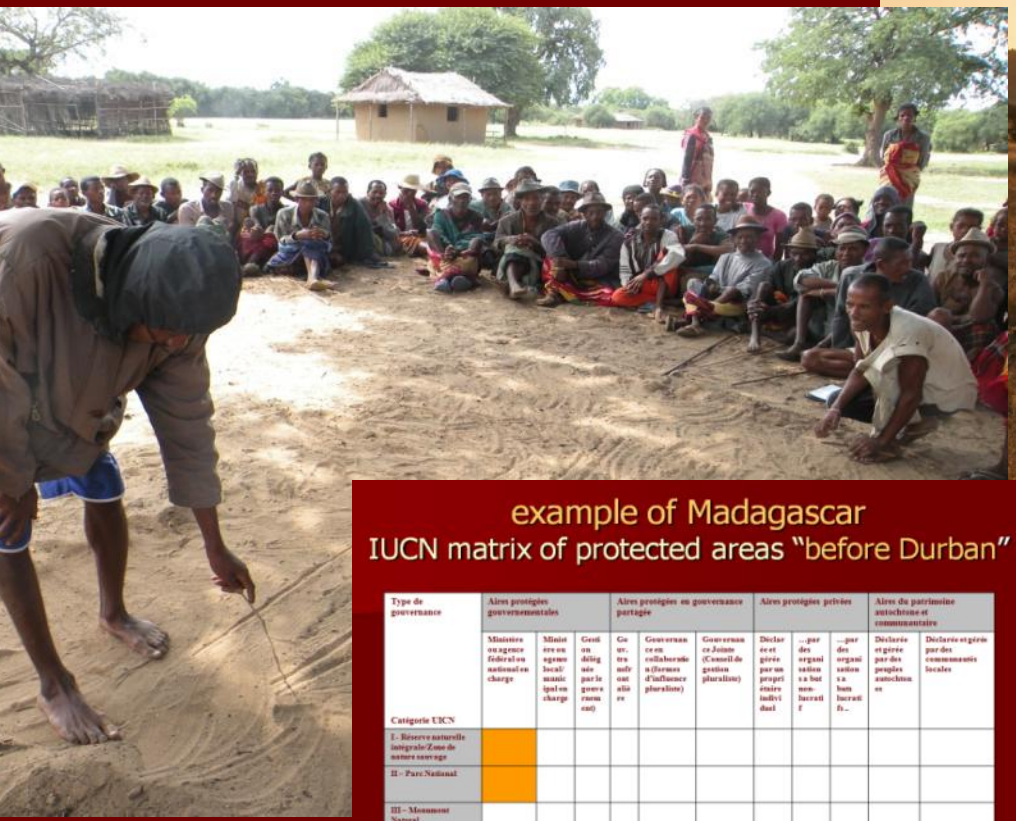
APIs= areas of particular importance for biodiversity and ecosystem services (cfr. Aichi target 11)

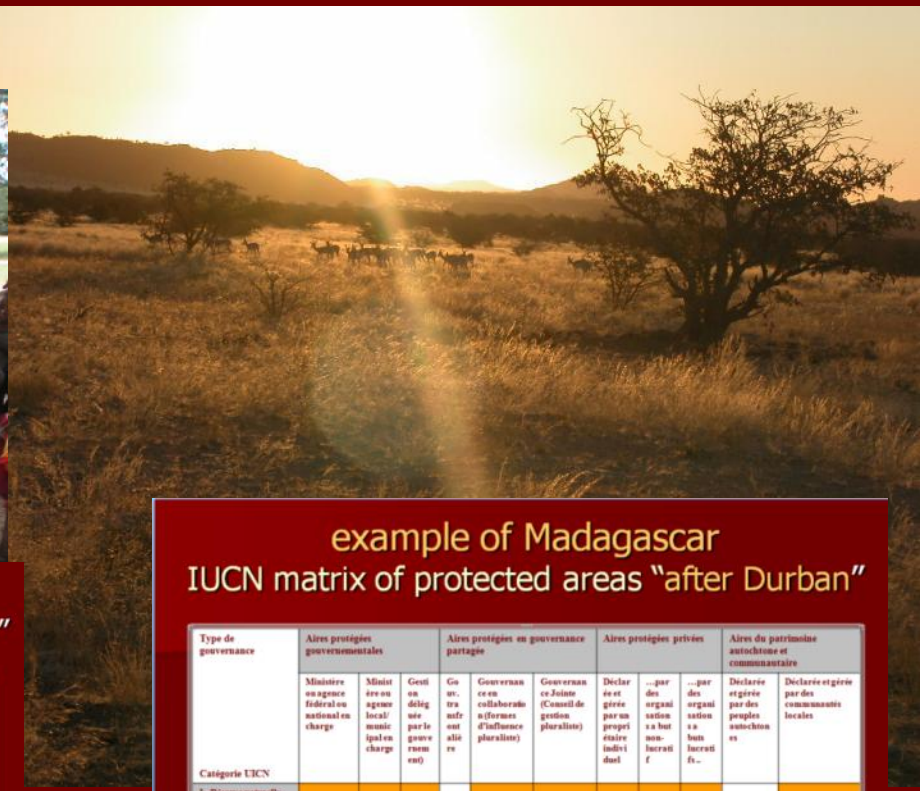
Step example: legal analysis

- What legal frameworks (legislation and/or policy, possibly included in different sectors) regulate governance of protected areas in Southern Africa countries ? Do they allow a diversity of protected area governance types?
- In practice, how diverse are the protected area systems in terms of governance types?

Step example: IUCN Matrix analysis

What can we learn from situating in the IUCN Matrix the protected areas of a given country? Is the distribution even or skewed? Are certain governance types clearly under-represented?





example of Madagascar
IUCN matrix of protected areas "before Durban"

Type de gouvernance	Aires protégées gouvernementales			Aires protégées en gouvernance partagée			Aires protégées privées			Aires du patrimoine autochtone et communautaire	
Catégorie UICN	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 à but non-lucratif	...par des organisations à 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											

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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	■	■	■		■	■	■	■	■		■

Spatial analysis of governance

- Mapping APIs, protected areas, "threats to nature" and governance types…
- Identifying overlaps and associations
- What governance types appear associated with APIs, protected areas, and/or "active damage and risks"?
- What governance types appear preferentially associated with APIs *within* the protected area system? With APIs well conserved *outside* the protected area system? With APIs under threat?

Quality analysis of governance

- Examine the functioning of the system (how are decisions actually taken?)
- Assess whether the legal and institutional framework for protected areas is suited to promote "good governance"
- Evaluate how the protected area system can be governed as legitimately, purposefully, effectively, accountably, fairly, and respectfully of rights as possible...

Evaluating a system of protected areas

- Legal and other options to improve governance quality & recognize diverse governance types…
- …and thereby strengthen conservation

Reporting and action

- Governance Assessment and Evaluation Report (to be used in national reporting to the CBD, PoWPA and others)
- Governance Action Plan to address governance issues at a system or at an individual site level

Possible results of an assessment at the system level

Answers to the following questions:

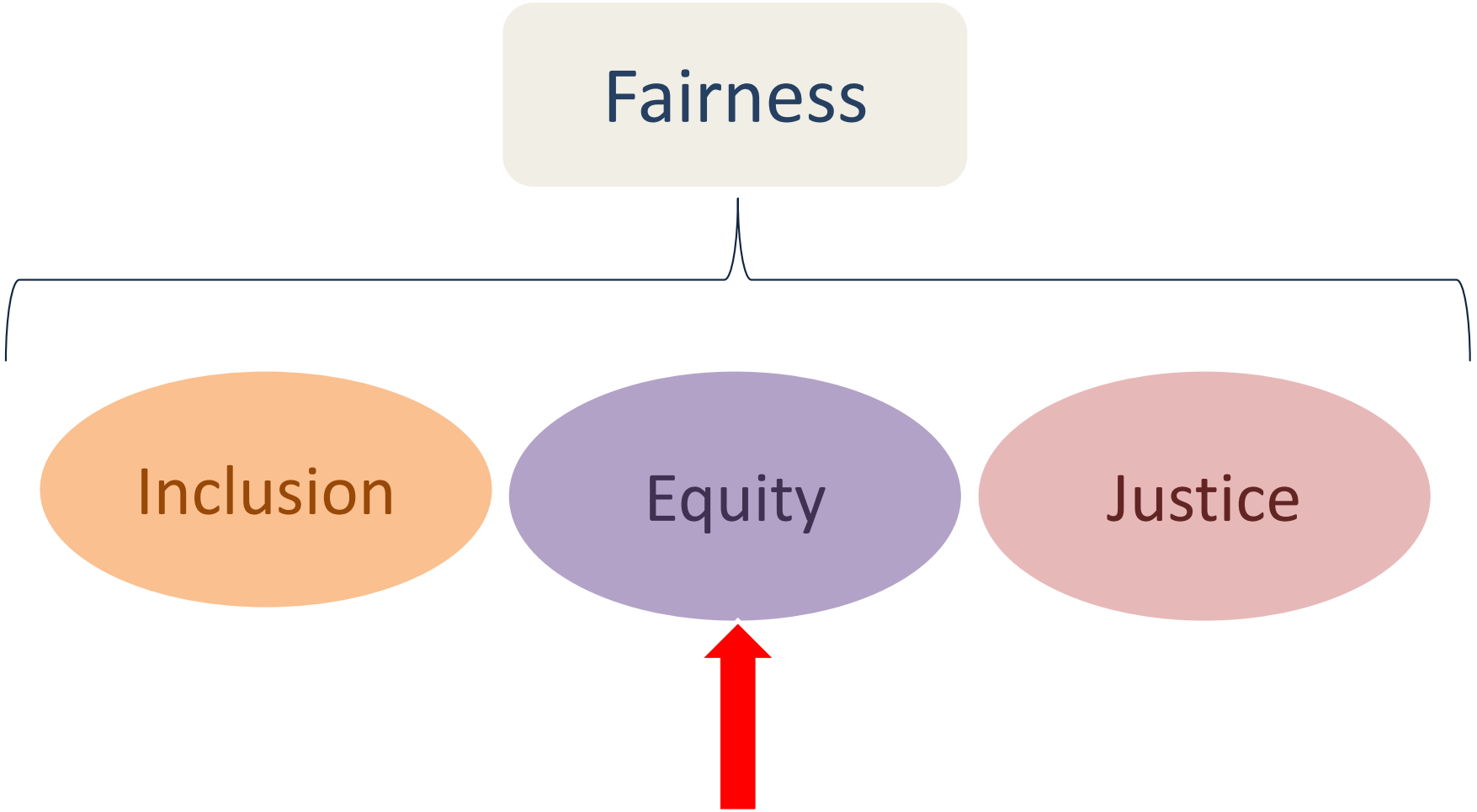
- Does governance type and quality correlate with effective conservation?
- Are any existing conservation efforts left out of the system?
- Are any areas particularly important for biodiversity left out of the system?
- Are the provisions for good governance sufficient in the overall system?

The evaluation might come up with the following:

- Governance options to consolidate, strengthen and expand conservation
- Legal and other options to recognise diverse governance types
- Legal and other options to improve governance quality

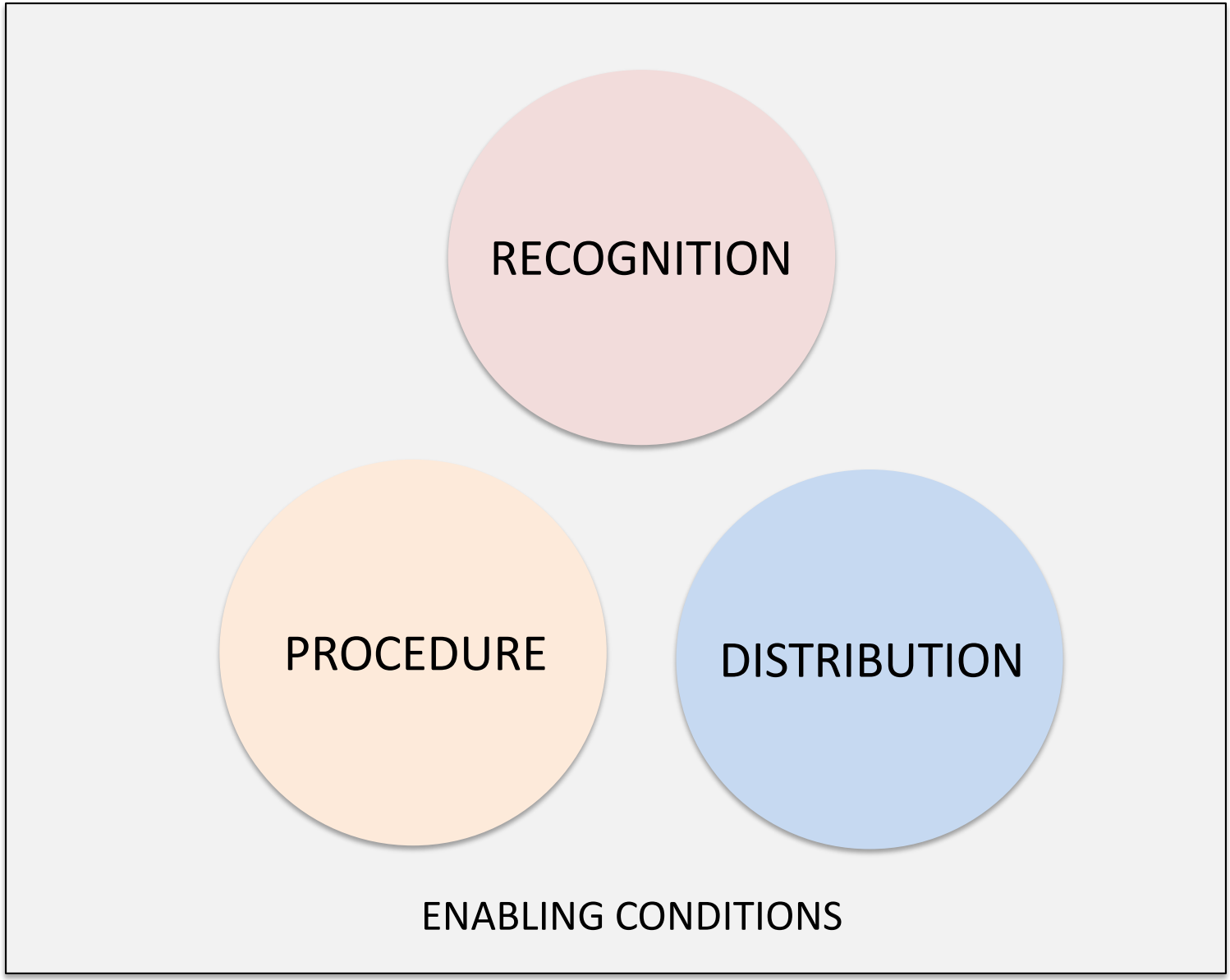
Questions for discussion

- Have any countries conducted an assessment of the governance of the whole system of protected areas?
- Are the provisions for good governance sufficient in your overall system?
- Have any countries instituted legal reforms to address issues of governance?
- What are the opportunities to address issues where there may be room to enhance the quality of governance? **PRIORITY ACTIONS**



Equity/equality is the language of CBD and widely used in SDGs

3 Dimensions of Equity



RECOGNITION

- Human rights
- Resource rights
- Right to self-determination
- Identities, knowledge, values, institutions
- Actors and their interests
- Non discrimination

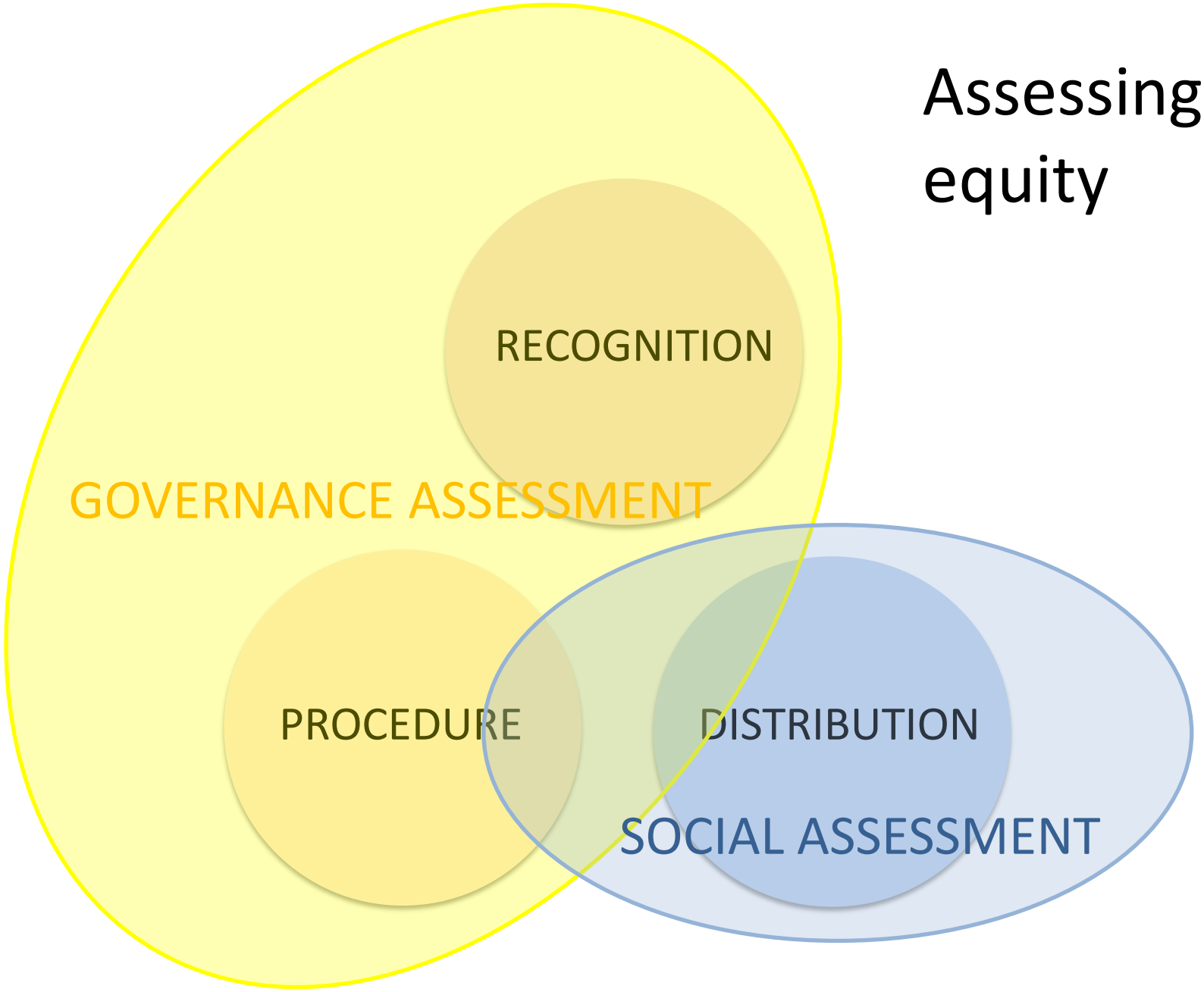
PROCEDURE

- Participation
- Responsibilities
- Accountability
- Dispute resolution
- Transparency
- FPIC for actions affecting rights of IPs and LCs
- Customary institutions
- Assess costs, benefits, risks

DISTRIBUTION

- Mitigation of costs
- Benefit sharing
  - Equally
  - According to rights
  - According to needs
  - According to costs incurred
  - According to contribution to conservation
- Maintain future benefits

ENABLING CONDITIONS

- Legal, political and social recognition of all PA governance types
- Relevant actors have awareness and capacity to achieve recognition and participate effectively
- A process for aligning statutory and customary laws and norms
- An adaptive learning approach

Assessing equity