Governance, participation, equity and benefit sharing

Implementing the CBD Programme of Work on Protected Areas

Ashish Kothari, Kalpavriksh and IUCN/TILCEPA

"Well managed protected areas, *when combined with participatory and equitable governance*, provide crucial benefits far beyond their boundaries"

Ahmed Djoghlaf,

Exec. Secretary, CBD

"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

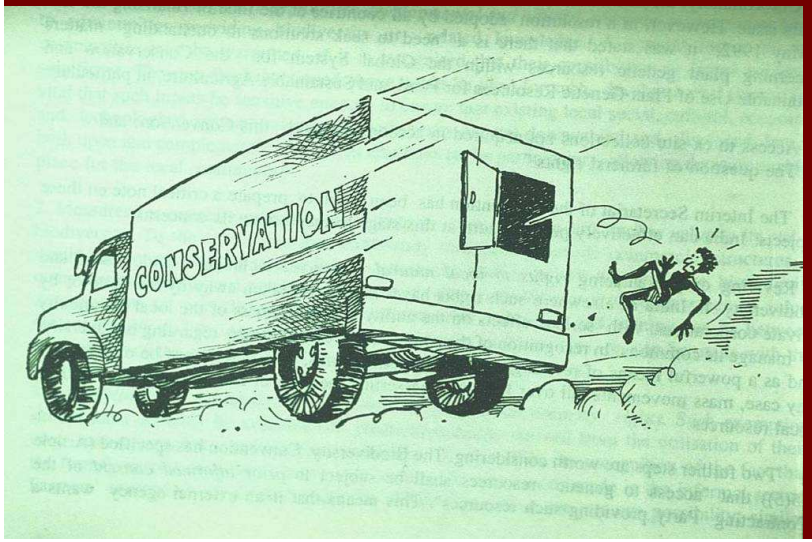
- creating / running institutions of decision-making
- making & enforcing rules
- exercising and sharing power
- dividing responsibilities and functions

- For most of human history, the **main decision makers** and **managers** of natural resources have been **indigenous peoples and local communities**
- A huge diversity of **management practices & institutions** characterise this history
- Conservation by the **state/govt** more recent … now >12% of earth under formally designated **protected areas**, safeguarding many of the world's most important ecological and cultural sites

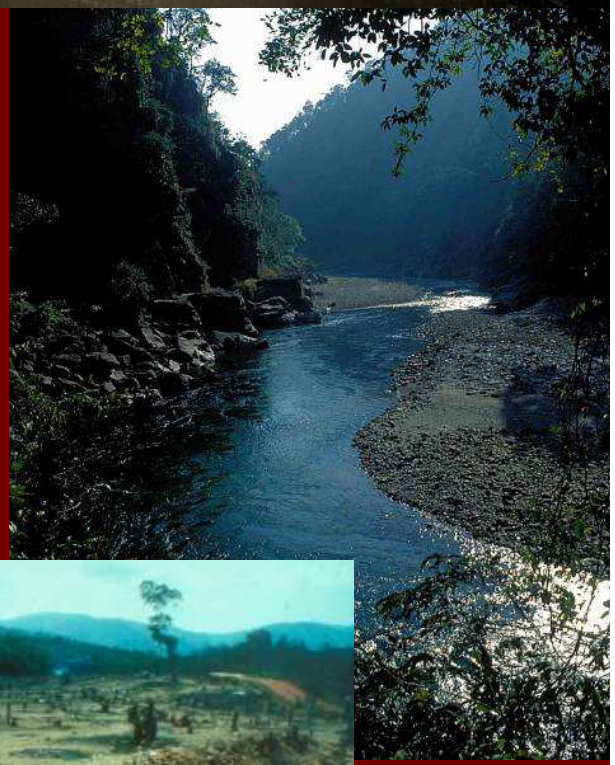
- Official protected areas and people: a troubled relationship

  In many countries, PAs have

  - Ignored conservation knowledge and traditions of local people
  - displaced, or dispossessed them from their resource base
  - Created distrust between PA managers and local people
  - Generated clashes and violence
  - Rebound on conservation: retaliatory acts, non-cooperation with wildlife authorities, loss of local conservation practices
  - **But… increasingly positive relationship of collaboration**

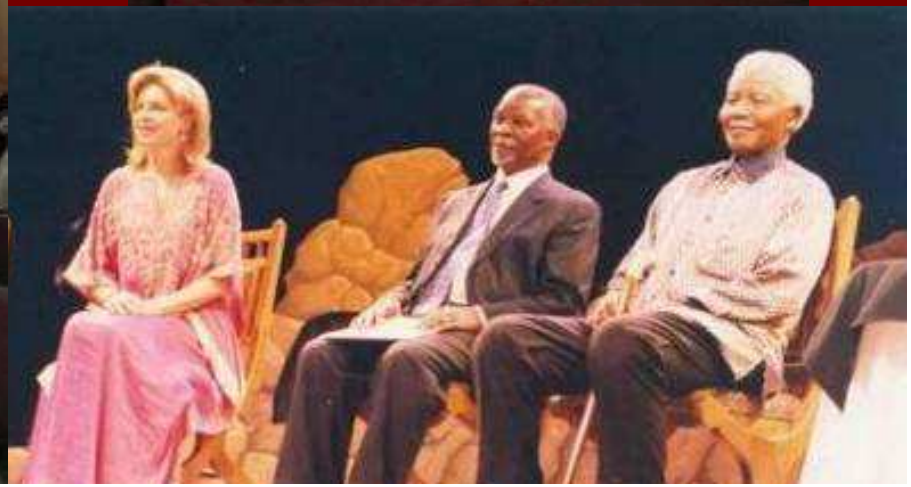


- Increasing recognition for the need to:
  - Build mass support for conservation through collaboration
  - Ensure respect for traditional territories, rights and cultures
  - Recognise community conservation practices
  - Achieve conservation across the landscape/seascape, so that protected areas are not only 'islands' with their surrounding areas being degraded



Paradigm shift at two recent international conservation gatherings

- **IUCN World Parks Congress**, Durban (South Africa), 2003
- **7TH Conference of the Parties of the Convention on Biological Diversity** (CBD), Kuala Lumpur (Malaysia), 2004



World Parks Congress 2003: 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?

Equitable sharing of costs and benefits

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

Central *involvement* of indigenous peoples and local communities

Transparency of information and decision-making

Accountability of protected area authorities to the public

Applicable to each PA, and to PA system as a whole

WHAT ***TYPES*** OF PROTECTED AREAS ARE THERE: WHO GOVERNS THEM?

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											

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

Collaboratively 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
- UK national parks: local government agencies, private landowners
- 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

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

Indigenous and Community Conserved 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.

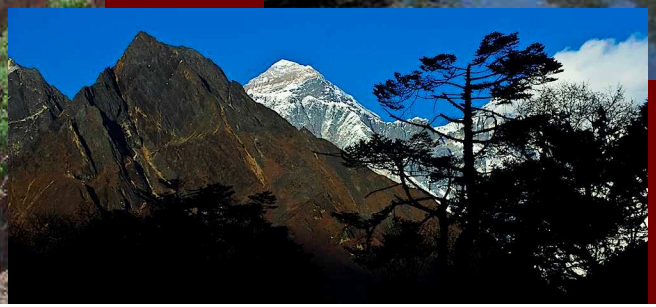
range of community conserved areas...

sacred spaces & habitats...

Chizire sacred forest, Zimbabwe

Forole sacred mountain Borana/ Gabbra Ethiopia/ Kenya

Sacred crocodile pond, Mali



Sacred landscapes, Indian/Nepal Himalaya

range of community conserved areas...

indigenous territories and cultural landscapes/seascapes...

Caribou crossing site in Inuit territory, Canada

Alto Fragua Indi-wasi National Park, Colomb

Paruku Indigenous PA, Western Australia

range of community conserved areas...

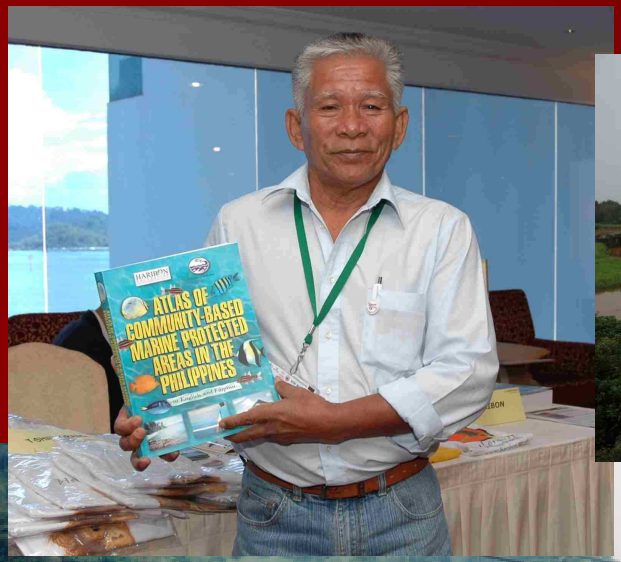
territories & migration routes of nomadic herders / mobile indigenous peoples

Wetlands in Qashqai mobile peoples' territory, Iran

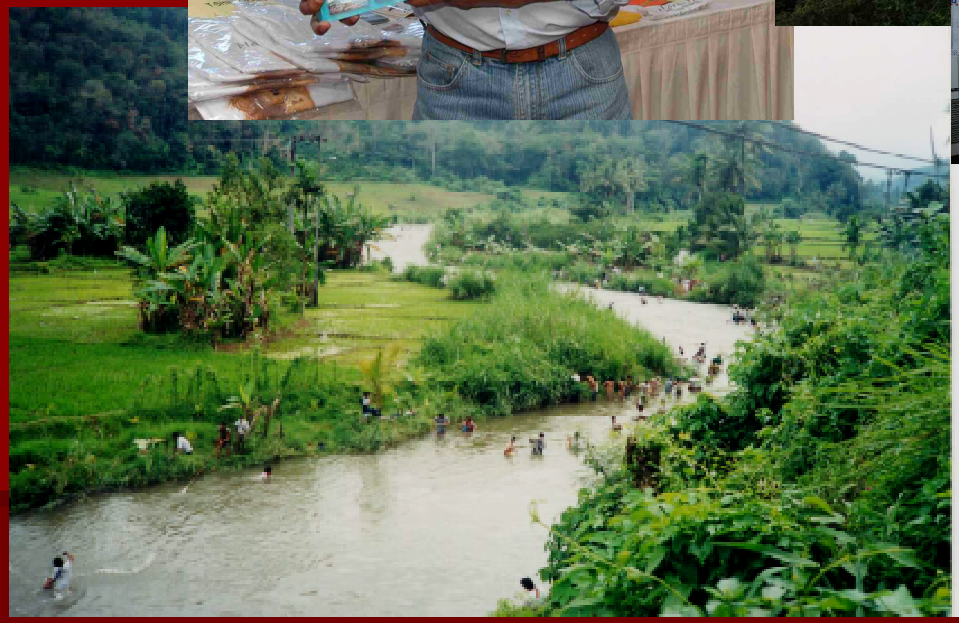
range of community conserved areas...

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

Local marine reserves, Philippines



Community protected wetland, Yilan, Taiwan



Lubuk Larangan river, Mandailing, Sumatra, Indonesia

Coron Island ancestral domain, The Philippines

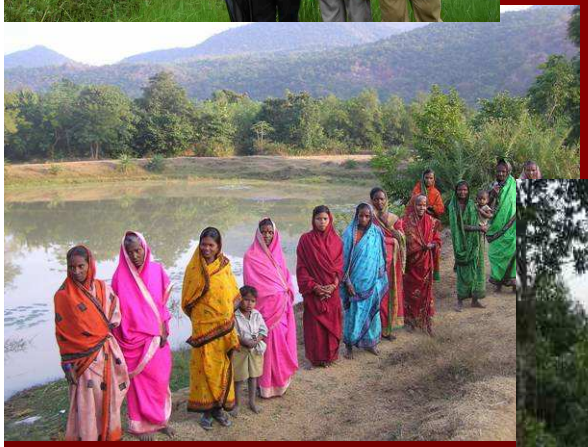
range of community conserved areas...

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

Community forests, Bangladesh, India, Nepal, Thailand

Qanats, Central Asia

Parc Jurassien Vaudois, Switzerland



Jardhargaon forest, Indian Himalaya

range of community conserved areas...

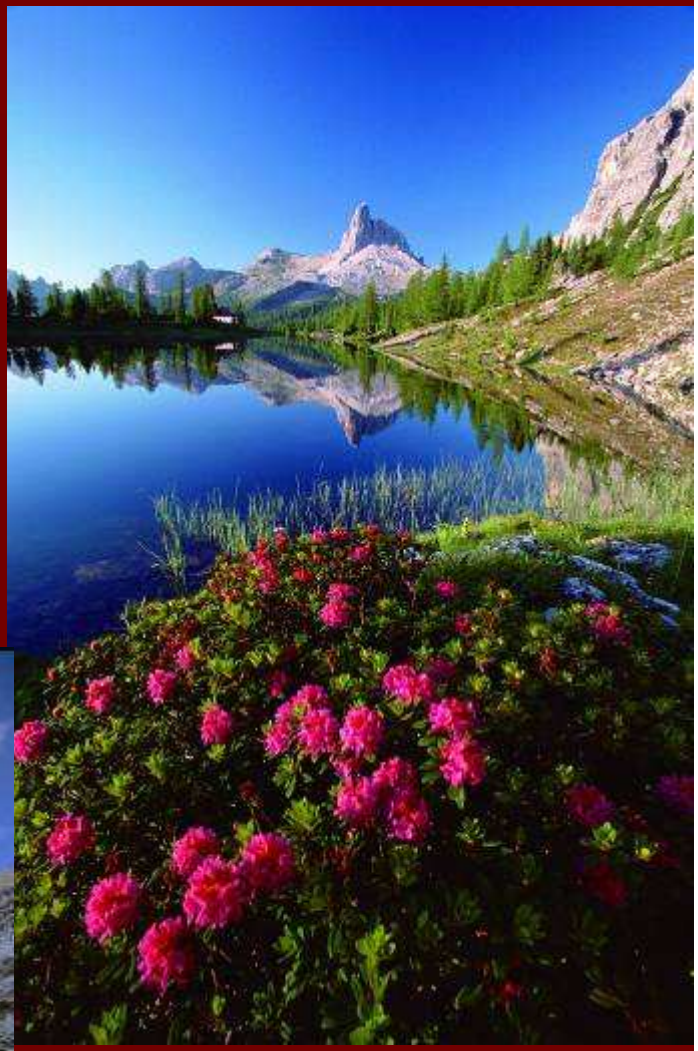
sacred or culturally protected species and their habitats

examples from India

range of community conserved areas...

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 significance of ICCAs?

- Conserve a wide range of ecosystems, habitats and species… *could double the earth's PA coverage!*
- Maintain critical ecosystem services
- Are the basis of livelihoods and cultural identity for millions of people
- Are built on sophisticated ecological knowledge systems
- Are managed through site-specific institutions, adaptive management

Shimshal Community Conserved Area, Pakistan

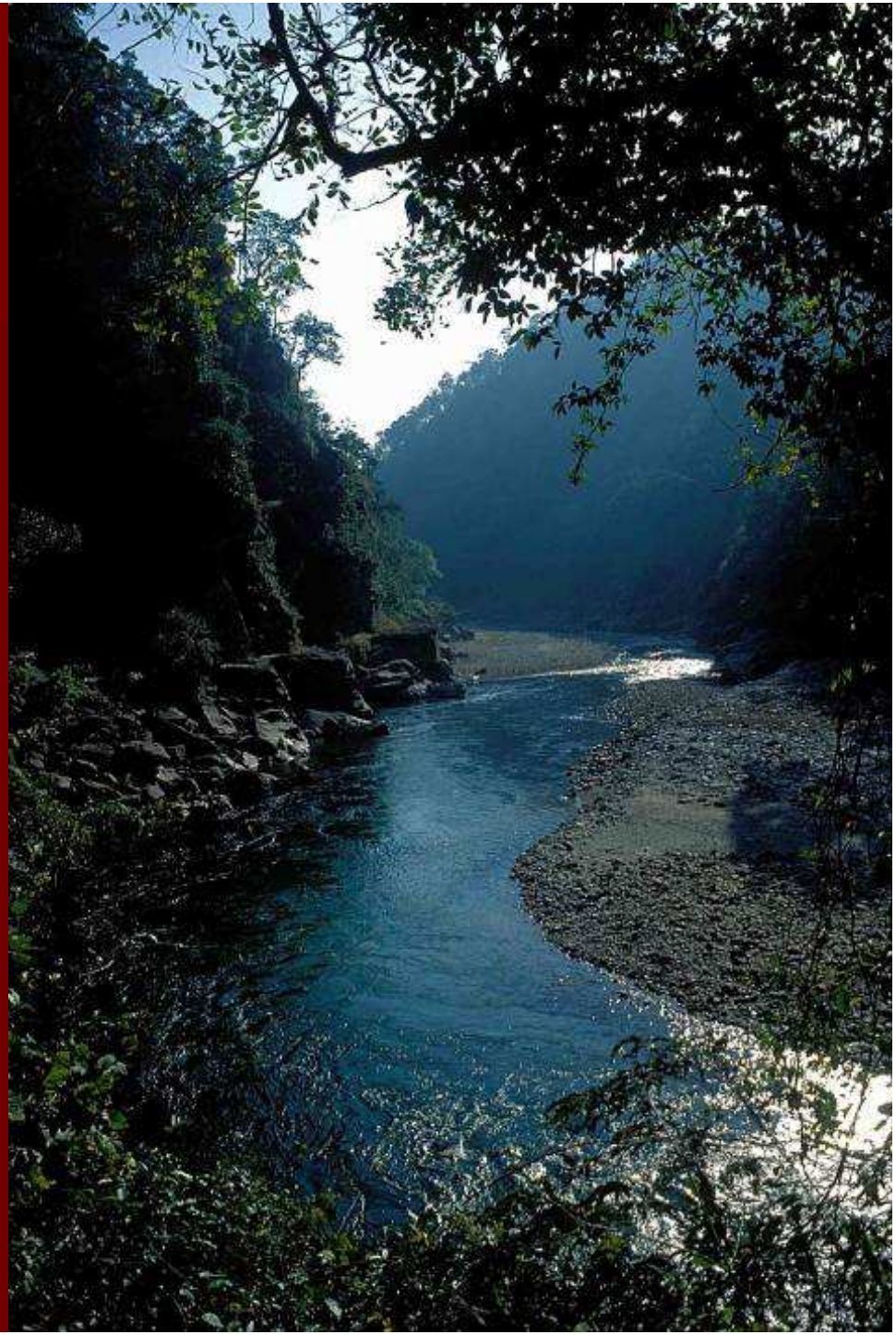
Setulang river, Indonesia

Walalkara Indigenous PA, Australia

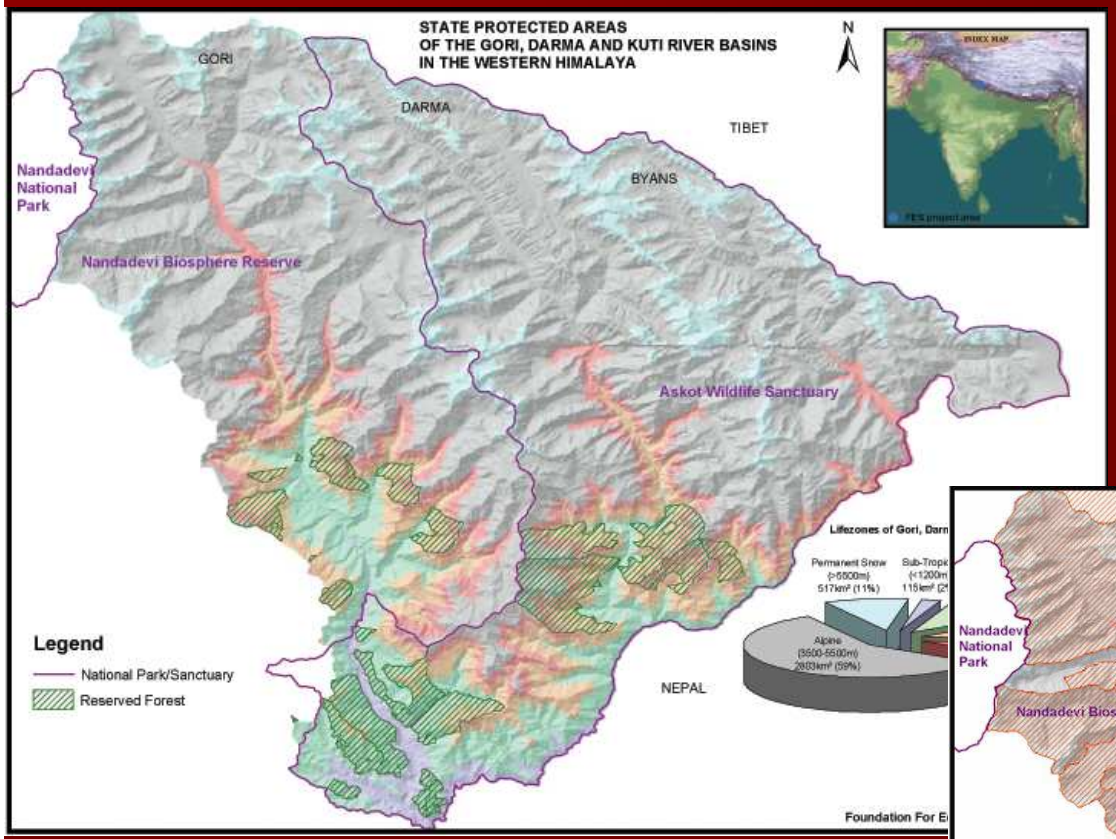
using a variety of PA categories and governance types can help to:

- 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

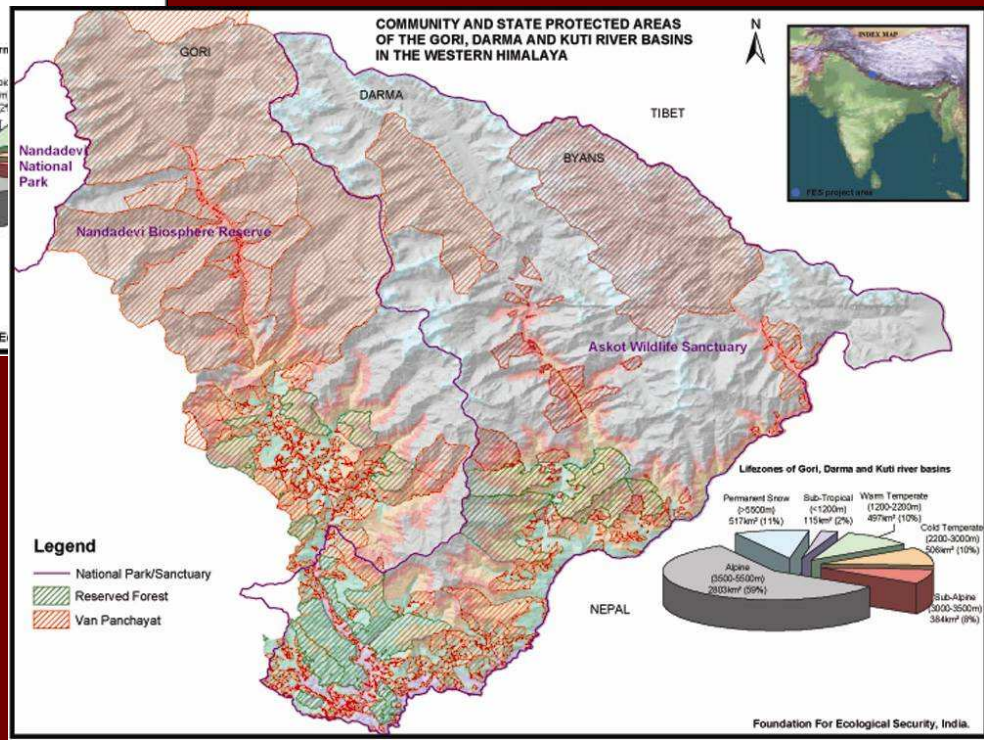
meet Aichi Target 11: 'system of PAs and other effective area-based conservation measures' covering 17% terrestrial / 10% marine



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



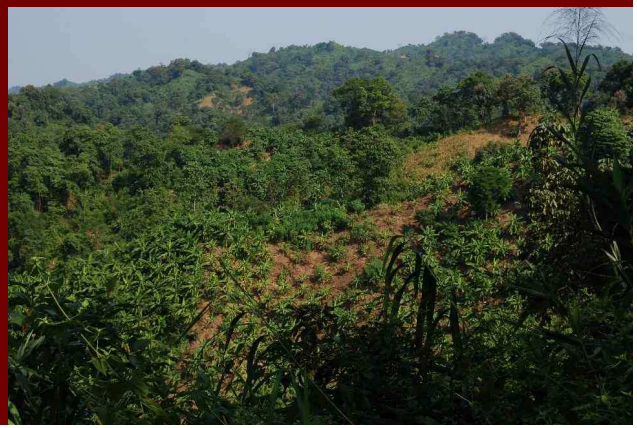
Qs: what would an effective governance institution for entire landscape?

Courtesy: Foundation for Ecological Security, India

Linking forests, grasslands, agriculture, water

Jardhargaon, Uttarakhand, India
(Beej Bachao Andolan)

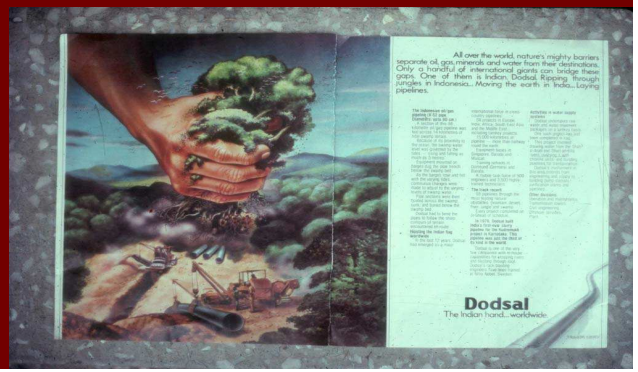
Chittagong Hill Tracts: linking forests, shifting cultivation, watersheds (Taungya, Aaranyak Foundation)



Challenges / threats to co-management and ICCAs

- Social, cultural, demographic changes
- Inappropriate education, tourism, development processes
- Inter- & intra-community tensions
- Bureaucratic resistance to change

- Lack of recognition of ICCAs



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

Elements:

- 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

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

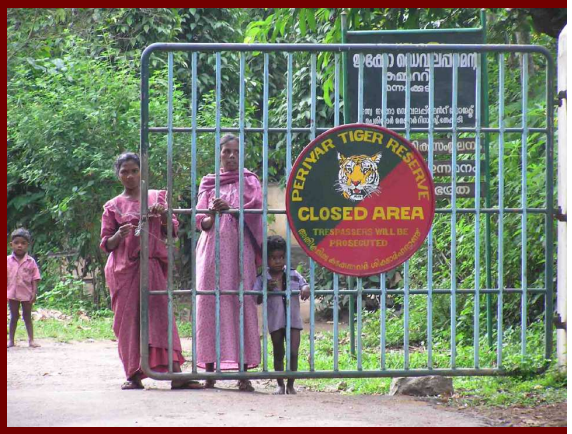
- National implementation of Element 2, generally poor
  - Most countries have not yet recognised new governance types of PAs, e.g. ICCAs
  - Most countries not fully integrated rights, equitable sharing of costs and benefits, and democratic decision-making
  - Multi-stakeholder committees not yet set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

Implementation of Governance aspects of PoWPA

- Some countries with progressive policy and practice, e.g.
  - Philippines: recognition of ancestral domain (supporting ICCAs)
  - Australia, Columbia, Canada: recognition of indigenous territories, co-management & ICCAs
  - South Africa: restitution of territories in PAs
  - Nepal: hand-over of one PA to communities
  - Madagascar: tripling PA coverage, using various governance types including ICCAs
  - India: recognition of community reserves, restitution of community forests

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*)



Challenges and needs …

- Information and research on governance aspects of PAs
- Awareness and capacity about new models in officials, communities, NGOs
- Forums of dialogue and conflict resolution at PA and system levels
- Spaces for indigenous peoples and local communities to speak for themselves

Challenges and needs …

- Recognition of territorial/land/resource rights
- Legal/policy measures for co-management and ICCAs
- PA and system level institutions involving communities
- Landscape level planning and institutions

For further information:

On governance: www.TILCEPA.org

On ICCAs: www.iccaforum.org

ashishkothari@vsnl.com

TILCEPA

IUCN
The World Conservation Union

CEESP

WCPA
WORLD COMMISSION ON PROTECTED AREAS

The ICCA Consortium

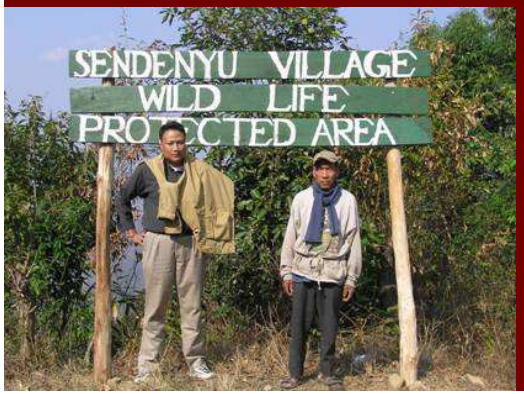
KALPAVRIKSH
कल्पवृक्ष
Environmental Action Group

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

Group exercises

1. PA governance continuum
2. PA governance / management matrix



Part 1: Generation of Indices

(Pharmacy Assistant Instructor Manual)

Type A

Type B

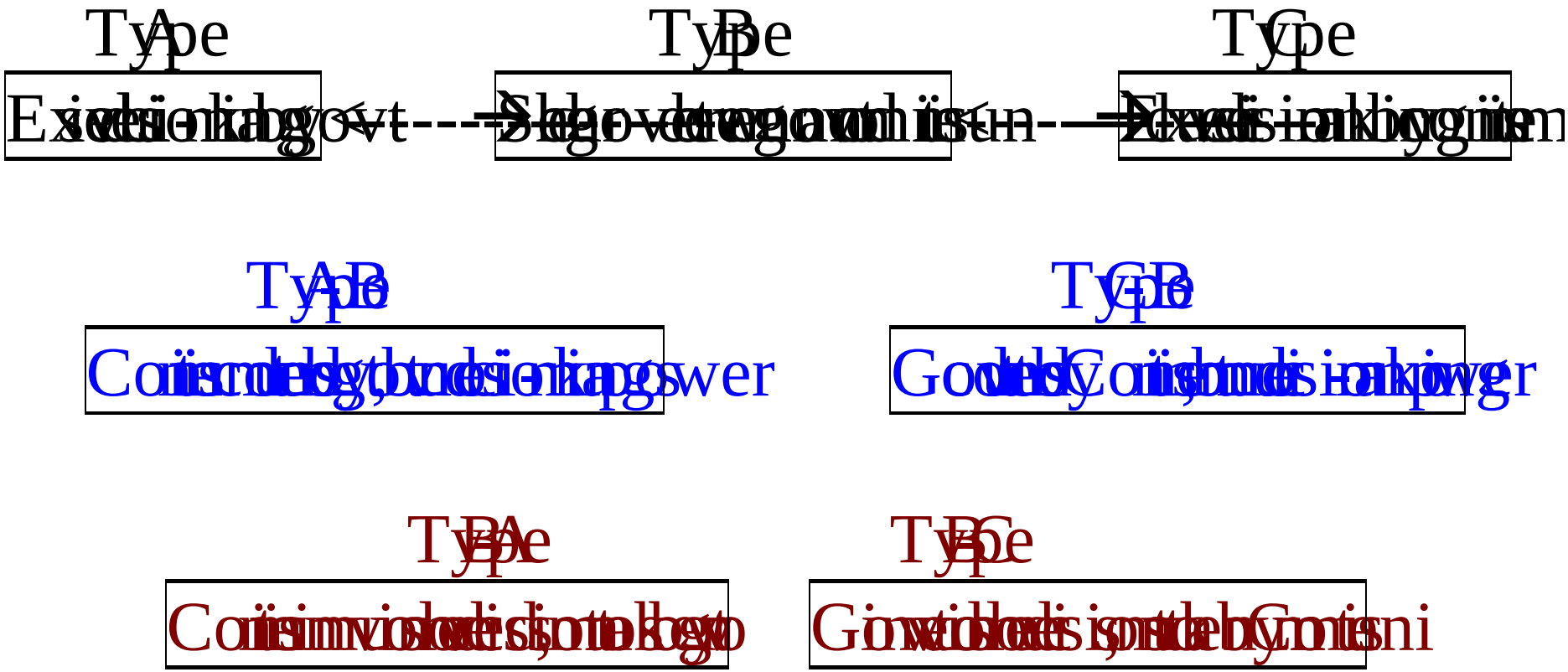
Type C

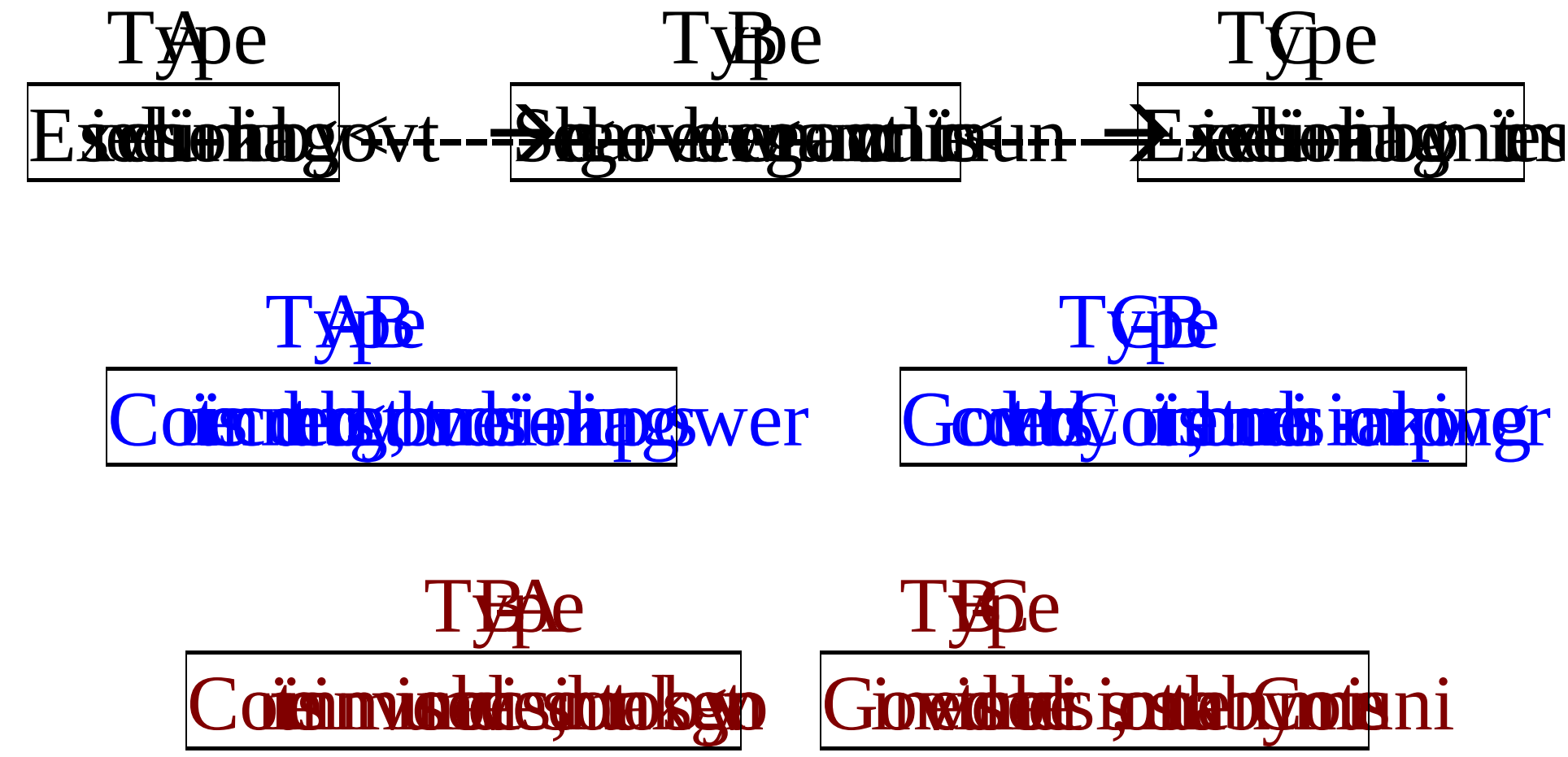
Type AB

Type CB

Type AC

Type BC





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?

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

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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?

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
- Key recommendations towards equitable, participatory, diverse PA system
- Main hurdles and opportunities
- Key follow up steps (country-wise & collectively)