

## **WORKSHOP STREAM III: GOVERNANCE OF PROTECTED AREAS (PAs) (NEW WAYS OF WORKING TOGETHER)**

### **Chairs:**

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**Co-organizers:** Janis Alcorn, Charles Besancon, Peter Cochrane, Bud Ehler, Taghi Farvar, Kristina Gjerde, Wolf Krug, Jeff Langholz, Carl Gustaf Lundin, Andres Luque, Aroha Mead, Maryam Niamir-Fuller, Jeanne Pagnan, Diane Pansky, Arthur Paterson, Maryam Rahmanian, David Rothschild, Trevor Sandwith, John Scanlon, Sandra Slater-Jones, Vivienne Solis, Sarah Titchen, Wendy Weisman, Webster Whande

### **Overall Stream Rapporteurs:**

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**Session Rapporteurs:** Janis Alcorn, Didier Babin, Marco Bassi, Stefano Belfiore, Regina Birner, Leo Braack, Dan Brockington, Dena Cator, Mary-Jean Comfort, Chimere Diaw, James Everett, Julia Gardner, Sandy Gauntlett, Alison Green, Pippa Heylings, Eric Horstman, Mark Infield, Brian Jones, Michael Kidd, Josh Laughren, Andres Luque, James MacGregor, Patricia Madrigal, Gregor Manson, Bernice McLean, Patrick McConney, Agrippinah Namara, Michel Pimbert, Thomas Price, Sabine Schmidt, Maria Socorro Manguiat, Lars Soeftestad, Andrew Tilling, Andrew Wilson, Doug Yurick

### **Overview**

Governance is about power, relationships and accountability. It is about who has influence, who decides, and how decision-makers are held accountable. It can be defined as *the interactions among structures, processes and traditions that determine how power is exercised, how decisions are taken on issues of public concern, and how citizens or other stakeholders have their say*. Over the last decade or so, the term has progressed from relative obscurity to widespread usage. Governance improvements are advocated on issues of public information, transparency and accountability in decision-making, fair treatment of social concerns, equitable sharing of the costs and benefits of conservation, strategic vision and actual effectiveness of management.

In a protected area context, governance can be examined at the level of a broad conservation network as well as at a level of an individual PA. It covers a broad range of issues— from policy to practice, from behaviour to meaning, from investments to impacts. Governance has an influence on the achievement of protected area objectives (management effectiveness) but also determines the sharing of relevant cost and benefits (management equity). And it affects the generation and sustenance of community, political and financial support.

The Governance Stream grounded its work in the history of conservation up to the current broad trends in institutional change. Throughout its three days the stream explored two crucial themes:

- **What types of governance exist for a Protected Area? How do they fare in terms of conservation effectiveness and equity?**
- **What constitutes “good governance” for a Protected Area? What principles can help us understand and evaluate it?**

A range of PA governance types were reviewed and examined through thematic and case example presentations, with particular emphasis on innovative approaches to govern individual protected areas and

protected area systems. In particular, lessons were drawn from community and private sector experiences outside the official protected area systems, from region-specific practices and conditions and from mechanisms to link protected areas within broader ecosystems (e.g. regional/ landscape and global). Co-management approaches, currently flourishing all over the world, were an important focus of discussion.

### **Structure of the Stream:**

The governance stream began with an opening plenary on the morning of Sept. 11 followed by 16 concurrent sessions across the subsequent two and half days. Six synthesis workshops were held on the final afternoon, Sept. 13, with participants finalizing the stream's WPC recommendations and inputs to the Durban Accord and Action Plan and the Message to the Convention on Biological Diversity. A closing plenary reunited the full stream for formal approval of these synthesis workshop outputs. Pre-Congress events associated with the governance stream included a two-day workshop on Mobile Peoples and Conservation, a Transboundary Protected Areas Peace Climb in the Drakensburg Transfrontier Park, transboundary presentations in the pre-WPC Mountain Workshop, a bicycle ride to promote the rights of local communities in the Great Limpopo Transfrontier Park, and a workshop at the St. Lucia World Heritage Center addressing South African communities and national protected areas. The stream also sponsored *Nsendemila*, an original theatre piece produced by the renowned Seka Malambo Drama Group of Zambia, which illustrated key PA governance issues from the perspective of a real African community. Performances were held on three evenings during the Congress. A short course on Participatory Governance Evaluation was offered on September 14-15.

### **Opening Plenary -- Governance of protected areas: a topic whose time has come (Session 1.1)**

Chair: Aroha Mead (New Zealand)

Presentations by: Achim Steiner (Germany); Ashish Kothari (India); Janis Alcorn (USA); Bruce Amos (Canada); Grazia Borrini-Feyerabend (Italy)

- Governance is a new idea; a key issue for protected areas and society as a whole. It is not only about power, relationships and accountability, but responsibility as well. Acknowledgement of and support for many different forms of conservation, including private, community and government based, can empower people of widely varied backgrounds, capacities and motivations for conservation.
- Social history is crucial to an understanding of conservation. An historical perspective compels us to recognize that indigenous and local communities have practiced forms of conservation for millennia. Traditional approaches to conservation need to be rediscovered and fully used today.
- Three major global changes are affecting protected areas – biophysical changes, socio-economic changes and governance changes, such as democratization and globalization. While most of these are likely to have negative conservation impacts, a hopeful trend is that civil society appears to awaken to the conservation challenge. Individuals and collectives are forging global linkages and establishing learning networks.
- Principles of Good Governance include Legitimacy and Voice; Direction; Performance; Accountability and Fairness. Good governance is a means to achieve ends, but also an end in itself. Many different actors are involved and the power balance between them may shift over time. While broad “good governance” principles may be universally recognized, their application must be grounded in specific contexts, traditions and cultures.
- A diversity of types of governance can be employed to meet conservation objectives. A typology of PA governance adds a new dimension to the IUCN Protected Areas Categories. Four main types can be distinguished on the basis of who holds PA authority, responsibility and can be held accountable: state agencies; various social actors (co-management), private owners (private PAs) and indigenous and local communities (community conserved areas). Recognition of these diverse governance types within official PA systems will allow expanded PA coverage, close gaps in ecosystem representation

and landscape connectivity, assist in the development of biological and cultural corridors, and reach out to new partners in conservation. Accompanying policies and support are required.

### **Sessions addressing Protected Areas Governance Types:**

#### Protected Areas Exemplars (Session 1.2 /IIIa)

Chair: Juan Mayr Maldonado (Colombia)

Presentations by: Tofa Devaji, Hirabai Hiralal Mohan and Neema Pathak (India); Mario Jacanamijoy, Ignacio Giraldo and Juan Carlos Riascos (Colombia); Nancy Anilniliak and Elizabeth Seale (Canada); Mashangu Livingston Makuleke (South Africa)

- The exemplars involve different actors: communities, indigenous peoples, non-governmental organizations, and governmental agencies but all are built upon mutual recognition and collaboration.
- The exemplars' governance systems use and integrate traditional and scientific knowledge and treat people and the environment as inseparable.
- The world can benefit from a rich legacy of local governance through traditional authorities and customary law, which should be rediscovered and applied to improve PA governance today.
- Western governance approaches tend to be based on majority rule whereas traditional societies favour consensus—there is a challenge to use the best of each and ensure full participation.
- PA managers need to think in terms of broader objectives: to conserve biological diversity, protect cultural diversity and build trust and respect among all conservation partners.
- Secure tenure and local empowerment are key to successful community efforts to support conservation and protected areas.
- Consensus decision making is critical to most community conserved areas and community-based conservation initiatives.
- Government institutions need to change and adapt to new approaches. Co-management has to be seen as an opportunity rather than an obligation or a problem.
- PA governance successfully based on social consensus demands large investments in staff time and resources. This often requires a change of attitude on the part of PA staff.
- The strict formalisation of co-management agreements reveals a lack of basic trust among those who need to cooperate.
- The experiences presented involve poor communities. Poverty must be addressed in an integral way, linked with conservation initiatives.
- Not even the best natural resource governance arrangement will solve all the problems in a community.
- Good governance needs to start with local empowerment.
- Each experience is different; there is no one formula.

#### Regional Lessons Learned in Protected Areas Governance (Session 1.3)

Chairs: Vivienne Solis (Costa Rica) and Webster Whande (South Africa)

Presentations by: Kule Chitepo (South Africa); Paul Ouédraogo (Burkina Faso); Chimère Diaw (Cameroon); Gonzalo Oviedo (Ecuador); Vivienne Solis (Costa Rica); Claudio Maretti (Brazil); Francisca Baraza Martines (Spain); and Dave De Vera (Philippines)

- A historical perspective on protected areas and the overall social, political and cultural context is required.
- PA authority and responsibility should be devolved to the lowest appropriate level (subsidiarity) with mechanisms for negotiation and consultation to legitimate power.
- Methods for an effective and equitable sharing of the benefits and costs of conservation are difficult to devise and implement.

- A plurality of actors, institutions and levels need to be recognised to broaden the participation of all stakeholders in PA management.
- The limits and duties of the stakeholders need to be defined and their collective rights recognised.
- An overarching legal framework and the recognition of communal and indigenous tenure and customary management arrangements is necessary.
- Different values, visions of conservation, and definitions of nature need to be taken into account and the non-comparability of contemporary, co-existing value systems appreciated
- A conceptual framework for different governance types is needed.
- Community” or “indigenous” solutions for conservation depend on flexible and adaptable negotiation approaches involving all concerned stakeholders
- Principles for good governance are important, but their application depends on regional circumstances, history and cultural context.

On territories and resources conserved by indigenous and local communities--Community Conserved Areas (CCAs) (Session 2.1.1/IIIe)

Session 2.1.A: CCAs issues of governance and state recognition

Chair: Neema Pathak Broome (India)

Presentations by: John Chester, Chels Marshall and Dermot Smyth (Australia); Inayat Ali (Pakistan); Rodolfo Aguilar and Dave De Vera (Philippines)

Session 2.1.B: CCAs: issues of livelihoods, agrobiodiversity and landscape conservation

Chairs: Alejandro Argumedo (Peru) and John Hutton (UK)

Presentations by: Roman Aquino and Sergio Garcia (Mexico); Augusta Henriquez (Guinea Bissau); Jan Rhyn (Namibia); and Alejandro Argumedo (Peru)

- CCAs are natural and modified ecosystems with significant biodiversity, cultural and ecological values, voluntarily conserved by indigenous and local communities through customary laws and other effective means.
- There are many and diverse CCAs that merit support from the conservation community. Most have developed with little or no outside support and many face impending threats.
- CCAs are fundamental strategies through which agro-biodiversity can be maintained within a strong cultural context.
- The holistic and integrated treatment of key concepts such as biodiversity and landscapes challenges the jurisdictional, disciplinary and professional divisions of major organizations. Current conceptual frameworks do not easily incorporate different types of knowledge and make distinctions between the “biophysical” and “cultural” that may not be real, functional or useful in the context of CCAs. Organisational transformation and reorientation are needed to accommodate these realities.
- The diversity of indigenous and local concepts, spirit, and world views must be retained. Expressing such diversity in the languages used in national and international fora presents a challenge. Legitimacy of CCAs arises within the community; external support may add to this process of internal legitimization, but cannot and should not replace it.
- One challenge before us is to provide recognition of CCAs without co-opting or subverting their governance systems.
- Many recently revamped CCAs arose in response to external triggers (crises and opportunities): declaration of a PA without community consultation; poverty requiring the development of specific partnerships; traditional institutions threatened by newcomers; struggles against external commercial and development threats; and restitution of traditional rights and indigenous land ownership or desire of governments to include aboriginal land in PA systems.
- CCA governance structures include community councils and indigenous land management agencies, community nature trusts or boards, multi-stakeholder boards, and traditional institutions.

- CCA benefits include examples of excellent biodiversity conservation and protection of ecologically sensitive areas, restoration of degraded land, regained pride and inspiration, economic benefits, a halt to destructive fishing and illegal logging, local control of tourism, capacity building of various social actors and recognition of traditional rights and systems of management.
- Limitations of CCAs include examples of time-consuming decision-making, limited ability to cope with rapid change, power imbalances with the state and other actors, on-going disputes, and management authority weakened by cultural change and lack of trust by governments.
- Many communities recognize these limitations and seek appropriate support and partnerships.
- Reform of corporate governance that now tends to destabilize peasant cultures is necessary, and should be integrated with other policy change, including for trade.

On territories and resources conserved by indigenous and local communities in partnership with governments and other stakeholders--Co-managed Protected Areas (CMPAs): (Session 2.1.2/IIIk)

2.1.C CMPAs: from conflict to collaboration

Chairs: Arthur Mugisha (Uganda), Gonzalo Oviedo (Ecuador)

Presentations by: Jackson Mutebi (Uganda); Dewi Suralaga (Indonesia) and Mario Piu (Ecuador);

Session 2.1.D CMPAs: social, institutional and environmental linkages.

Chairs: Claudio Carrera Maretti (Brazil) and Antonino Morabito (Italy)

Presentations by Erika Stanciu (Romania); Andrew Wilson (UK) and Jacques Fournier (France)

- Co-management is an ongoing process of resolving conflicts that are inherent in the tensions between conservation and development. Conflict resolution is expensive but not as costly as the hidden costs to people and biodiversity of poaching, purposeful and gratuitous violence and impoverishment.
- The terms co-management and collaborative, participatory and joint management are defined by degrees of power-sharing among stakeholders and the government.
- Sharing power must be specific in terms of linked responsibility and authority and structures that address equity concerns in negotiations. There is a risk of states “co-opting” co-management.
- Co-management depends on active vertical and horizontal linkages and flexible decision making and legal frameworks. When this is not the case, CMPAs are vulnerable to changes in personnel.
- A key issue is the legitimacy of representatives. The effectiveness and equity of different forms of representation (e.g., traditional, elected, professional) need to be questioned.
- Monitoring and evaluation of the outcomes and impacts of co-management need more systematic attention. A mixture of anecdotal information and some hard data is often available, but poorly analysed and communicated.
- Costs associated with design and servicing of the complex institutional mechanisms required for co-management are rarely budgeted for.

Transboundary Protected Areas (TBPAs) (Session 2.3/IIIg)

Leaders: Trevor Sandwith (South Africa), Charles Besançon (USA) and Sandra Slater-Jones (South Africa)

Chairs: Alfredo Guillet (Italy), Kishore Rao (India), Trevor Sandwith (South Africa)

Presentations by: Trevor Sandwith (South Africa), Harry van der Linde (Netherlands); Alfredo Guillet (Italy); William Wolmer (UK); Simon Metcalfe (South Africa); Floors Strauss (South Africa); Amos Mdluli (South Africa); Sebastian Maluleke (Mozambique); Chief Mingha (South Africa); Sheila Abed de Savala (Paraguay); Francis Auld (USA); Leo Braack (South Africa); Gerardo Budowski (Venezuela); Annette Lanjouw (Kenya); Srdjan Marincic (Serbia); Krishna Oli (Nepal); Carlos Ponce (Peru); Giuliano Tallone (Italy); Manuel Ramirez (Costa Rica); Conrad Steenkamp (South Africa) and Peter Brosius (USA); Anne Hammill (Canada); Charles Besançon (USA); Helen Suich (Australia); Belinda Reyers (South Africa); Willem van Riet (South Africa); Paul Hotham (Canada); and Eva Pongratz (Germany).

- Transboundary cooperation should not be promoted top down. This can even have detrimental consequences with local communities. In some cases transboundary cooperation only works between and among park staff across borders. The context of proposed TBPAs must be fully examined to ensure that the appropriate levels of cooperation are pursued. In some cases transboundary initiatives should not be attempted because of the high financial cost and other intervening factors.
- Local communities must be actively involved at all stages of assessment, and implementation of TB initiatives. Community development projects that come as a result of transboundary initiatives can benefit communities if implemented correctly. At no time should communities be forced to relocate against their wishes. The rights of tenure and self-determination must be held paramount. Benefits should be real and tangible to local communities rather than simply policy statements.
- The potential for peace to be supported through transboundary initiatives – in certain situations – is great. There is need to promote this potential.
- And yet it seems as though there has been a strong push to promote transboundary cooperation, usually by outside forces, with little or no attempt to measure progress made in achieving transboundary goals of increased biological diversity, regional economic integration and enhanced peace and cooperation. In some cases it may be true that transboundary initiatives actually exacerbate conflict, biodiversity losses and poverty. We must develop new monitoring and evaluation tools to measure our progress in accordance with the principles of good governance.
- Global interest in TBPAs has continued to mount in the past several years. Along with this enthusiasm and exploration of the issues comes an increased need to share information and knowledge, and to synthesize our current understanding of how TBPAs can and should operate. As a transboundary community we have a strong need to build a coordinated global network, with regional hubs that can further build this constituency. At the backbone of this network, a set of electronic tools must be made available to allow for dialogue among the many audiences in search of information, and a centralized clearinghouse of data must be developed regarding TBPA practitioners, the TBPAs themselves, treaties and agreements, and publications that debate and analyse transboundary issues.
- In addition to the above global network there is a need to develop new tools for managers to operate in the new and complex transboundary context.
- We need an internationally recognized designation-register of transboundary conserved areas.

#### Non-governmental Organizations and Protected Areas Governance (Session 2.4/IIIh)

Leaders: Janis Alcorn (USA) and David Rothschild (USA)

Panelists and Commentators: Dewi Suralaga (Indonesia); Ronald Zeballos (Gran Chaco, Bolivia); Lily Rodriguez (Peru); James Murombedzi (Southern Africa Region); Blazena Huskova (Czech Republic); Brent Mitchell (USA); Marshall Murphree (Zimbabwe); Andres Luque (Colombia); Peter Brosius (USA)

- NGOs are a major force in conservation and their involvement has been essential to establish and manage PAs and contribute to conservation.
- Many donor governments undertake or provide assistance for conservation through supporting NGOs, which in turn deliver conservation programs.
- NGOs have wide influence—on political parties, elected bodies, private corporations, and shaping public opinion.
- Defining terms is important: two main NGO types exist—those that represent the interests of certain groups, and those dedicated to the establishment and management of PAs.
- The five governance principles (WPC Recommendation 5.16) are useful to promote and evaluate the quality of governance by NGOs.
- Contributions by NGOS to good governance include: serving as watchdogs on government (accountability), implementing park management to promote good governance, providing information/expertise so government can engage citizens and communities (transparency), providing financial resources necessary for good governance and leading by example in PA projects.

- Negative impacts on governance can also occur—bypassing participatory processes, overstepping mandates, and inadvertently contributing to weakening of PA governmental agencies.
- NGOs are most effective when they have legitimacy; mechanisms are needed to ensure their accountability and transparency. One option is certification of NGOs supporting good governance principles.
- Enforcement is a role for the state but NGOs can assist so long as clear responsibilities are defined.
- Traditional systems of governance can provide good enforcement structures. NGOs can assist to provide coherence between customary laws and national laws/enforcement; this is both a challenge and an opportunity.
- The power of international NGOs is swamping local and national conservation agendas. Donors should refrain from focusing exclusively on global priorities.
- NGO owned and managed reserves, as well as indigenous peoples' territories and private landowners reserves, should be recognized as part of protected areas networks. The approach taken by Colombia is a good example.

#### Private Protected Areas (Session 2.5/IIIi)

Leaders: Wolf Krug and Jeff Langholz

Presentations by: Peter Anderson, Carlos Chachon, Sacha Cook, Juan Jose Dada, Penelope Figgis, Andre Guimares, Wolf Krug, Jeff Langholz, James MacGregor, Brent Mitchell, Ladislav Ptacek, Pedro Solano, Byron Swift, and John Waithaka

- Privately owned protected areas (PPAs) manage an increasing share of the global biodiversity, a fact that has yet to be acknowledged. There are thousands of private PAs worldwide that provide protection for several million hectares of biologically important habitat and endangered species. They increasingly serve as a component of national conservation strategies. They make a significant contribution to development through tourism. They provide a public good at a relatively low cost.
- In recent years they have been rapidly expanding, funded not by donors but by the private sector, often without subsidies or incentives. A close examination of this trend is warranted to assess its overall scope and direction and to determine ways of maximizing PPA strengths whilst minimizing their weaknesses.
- There is a plethora of different types of PPA, including formally declared areas, game ranches, mixed commercial areas and land trusts, increasingly with the involvement of local peoples, such as in partnership arrangements.
- PPA are often innovative, efficient, accountable and sustainable, forming collaborative networks. They provide an opportunity for education and training and a test bed for development projects.
- PPA, however, are vulnerable to economic fluctuations. In some countries land ownership issues are impeding conservation, while in others issues revolve around the ownership of wild resources. PPA require secure tenure arrangements, policy support and recognition.
- PPA best serve as supplements, not replacements to strong public PA systems.

#### Governance Requirements of Large Scale Protected Area Structures and Systems (Session 3.2/ IIIo)

Chairs: Phil Dearden (Canada), Jim Johnston (Canada), Effendy Samardja (Indonesia)

Presentations by: Tom Lee (Canada); Phil Dearden (Canada); Alexander Shestakov (Russia); J. Casas (Spain); Jim Kurih (USA); M. Van Rees (Australia); E. Dachanee (Thailand); D. Mason (Ecuador); A. Vanzella-Khouri (Jamaica); Jeanne L. Pagnan (Canada); M. Mtsambiwa (Zimbabwe); and Koh Kheng Lian (Singapore)

- Innovative governance solutions are being developed by government PA agencies worldwide. An international survey of trends in PA governance found a move toward greater participation, stronger

accountability measures, stronger agency structures, increased de-centralization, more stakeholder input and increased capacity building. Yet more can be done.

- Good governance principles of fairness, legitimacy and voice can be combined to provide an underlying foundation for governance. Principles of direction, performance and accountability can then be objectively assessed.
- Principles and attributes of good governance provide a useful analytical structure overall, but context must be considered.
- The integrity and ethics of PA managers are critical to good governance for protected areas.
- Rules and roles of partners in governance must be clearly defined and understood. Partnerships bring obligations (capacity, financial), not just opportunities, and require commitment at organizational and personal levels.
- Management and governance systems are growing increasingly complex, especially as they involve an interplay among national, regional and local government and management bodies.
- Regional PA agreements can be more effective than global agreements, conventions, treaties, etc. and provide a mechanism for managing natural resources and biodiversity at the ecosystem level.
- A range of regional governance arrangements is being used including binding mechanisms, voluntary arrangements and collaborative arrangements within a multi-lateral context.
- Regional agreements are time consuming to negotiate and implement, but some implementation can begin in the absence of legally binding undertakings.
- Successful regional initiatives benefit from legal, financial and political support.

### **Sessions on Culture, Community Empowerment and Conservation**

#### **Customary Law and Governance (Session 1.6/IIIId)**

Chair: Aroha Mead (New Zealand)

Presentations by: Kwabena Mate (Ghana); Vijay Jardhari (Nepal); Kanhaiya Gujar (India); Parshuram Tamang (Nepal); Alejandro Argumedo (Peru); Aroha Mead (New Zealand); Pihopa Kingi and Donna Hall (New Zealand); Ratu Ose Gavidi (Samoa)

- Ancestral laws and rights of indigenous peoples must be recognized, including rights to indigenous lands and territories. The issue of the imposition of protected areas without consultation and consent must be addressed.
- In Ghana, some customary law is now recognised as part of common law. In Fiji, customary and other laws are being merged to address environmental matters.
- In order to gain official recognition of customary laws, it is critical to document them, as well as to document their legitimacy within communities.
- Religious beliefs impact on customary law in many ways.
- Although colonisation has had major adverse affects, it has also introduced legal and other mechanisms that can be useful in addressing customary law issues.
- In New Zealand, land settlement has been a way to redress land alienation, particularly through the Waitangi Tribunal. The establishment of protected areas regardless of traditional and/or tribal boundaries has often exacerbated existing or new land grievances and claims by the Maori people. The legitimisation and adoption of CCAs might help address the alienation issue.

#### **Mobile Peoples and Conservation (Session 2.2/IIIIf)**

Leaders: Taghi Farvar (Iran) and Maryam Niamir-Fuller (USA)

Chairs: Dawn Chatty (UK), Ed Barrow (Ireland) and Taghi Farvar (Iran)

Presentations by: Abdelouahed Gharbaoui and M. Ait Ouhmaid (Morocco); Taghi Farvar (Iran) and James Everett (USA); Adama Ly and Ousmane Mamadou Ba (Senegal); Ogontsetseg Alexander and

Sabine Schmidt (Mongolia); John Kasaona and Mutyinduika Kapika (Namibia); Ses Zalabia (Jordan); Lars Andreasen (Norway); Saoudata Aboubacrine (Burkina Faso); K. Vasamalli (India); Dawn Chatty (UK); and Tehmina Akhtar (Pakistan).

- Mobility is a major feature allowing a sound and sustainable use of natural resources.
- There are a number of misconceptions about mobile peoples that need to be dispelled.
- Mobile land use is not an old fashioned form of land use whose time has passed. It is not true that it has low productivity or that sedentary land use is more productive. Mobile peoples contribute a great deal to national economic development and do not need and often do not want to be resettled.
- It is necessary to reach effective collaborative management with mobile peoples in existing protected areas to ensure access to traditional resources and new income opportunities.
- Mobile peoples' community conserved areas should be recognised as a PA governance type, based on traditional institutions and customary norms. This will help conserve biodiversity and ecosystem values and re-establish connectivity through bio-cultural corridors.
- Customary collective rights of access to natural resources have to be recognised in international and national contexts.
- Concerns around mobile peoples and conservation should be further addressed by promoting and building upon the Dana Declaration of 2002.

#### Community Empowerment for Conservation (Session 3.1/IIIIn)

##### Panel 3.1.A: Key conditions for effective community conservation: issues of culture, rights, legislation, policy, and capacities

Chairs: Taghi Farvar (Iran), Fergus MacKay (New Zealand),

##### Panel 3.1.B: Key conditions for effective community conservation: results from relevant workshops

Chairs: Juan Mayr Maldonado (Colombia) and Michel Pimbert (Europe)

Presentations by: Maria Fernanda Espinosa (Ecuador); Kai Schmidt-Soltau (Germany); Marshall Murphree (Zimbabwe); Dan Brockington (UK); Juan Mayr Maldonado (Colombia); Rob Wild (UK); Pippa Heylings (UK); Ole Simel (Kenya); Dan Smith (USA);

- There is a need to: create bridges between Indigenous Peoples' (IP) territories and PA networks to secure ecological processes; develop a socio-political context favourable to indigenous rights and independence; forge intercultural legal and political systems; and evaluate and document indigenous and informal sector forms of governance.
- Community support is important for the sustainability of PAs but it is not always a necessary condition. PAs can be maintained by oppressive means and the weak and powerless can be disenfranchised and dispossessed. Hence, moral and ethical principles as well as pragmatic reasons should be the basis for empowering local communities.
- Forcible resettlements from PAs are a cause of impoverishment through a variety of risk factors, from loss of cultural identity and social embeddedness to a loss of jobs and food security. As radical improvements in displacement policy and practices are expensive and unlikely, forced resettlement has to be condemned and needs to be dropped as a policy and approach to PA management.
- Devolution that binds responsibility with authority is necessary for social cohesion and ecological management. It creates institutional diversity and opens up spaces for civil society, giving people the possibility to experiment and make mistakes. But, devolution of power is not a panacea.
- Good governance is all about respecting peoples' rights. There is currently a disconnection between environmental and human rights. There is a need to link biological and cultural diversity through a rights based agenda.

#### Sessions on Governance of Marine Protected Areas

### Protecting Marine Biodiversity Beyond National Jurisdiction (Session 1.5/IIIc)

Chair: Graeme Kelleher (Australia)

Moderators: Simon Cripps (Switzerland) and Carl Gustaf Lundin (Switzerland)

Presentations by: Graeme Kelleher (Australia) and Carl Gustaf Lundin (Switzerland); Alex Rogers (UK); Tomme Rosanne Young (Germany); Charlotte Breide (Switzerland); Donna Petrachenko (Canada/Australia); Giuseppe Notarbartolo di Sciara (Italy); Henning Von Nordheim; John Croxall (UK); Simon Cripps (Switzerland); Carl Gustaf Lundin (Switzerland); Kristina M. Gjerde (Poland)

- The WSSD Call for Action explicitly included the high seas in its target of a global representative system of MPA networks by 2012. This and other outputs from international fora provide a good foundation for further action.
- There was agreement that the “*Draft 10 year strategy to promote the development of a global representative system of high seas marine protected area networks*”, after finalization, will provide the framework for achieving a global representative systems of MPA networks in the high seas.
- The UN General Assembly should be urged to adopt a moratorium on deep water trawling on seamounts and other vulnerable deep-sea habitats as a matter of urgency.
- The existing coalition consisting of IUCN, WCPA, WWF, Greenpeace and some governments and scientific experts should be expanded to a global coalition. This coalition should work to achieve protection of the biological diversity, productivity and sustainable use of the high seas, with the global representative system of MPA networks being a principal tool.
- The coalition must push for all governments to ratify important international agreements and treaties, particularly the UN Convention on the Law of the Sea and the CBD. As well, there is significant potential for improving governance of the high seas through working to make the provisions of different international and regional legal instruments compatible and complementary.
- The UN General Assembly should be urged to adopt a moratorium on deep water trawling on seamounts and other vulnerable deep-sea habitats as a matter of urgency.
- Two impending meetings, the December 2003 conference on the management of deep seas fish stocks in New Zealand and the February 2004 Conference of Parties to the Convention on Biological Diversity in Kuala Lumpur, should be used to promote the goal of this workshop.

### Integrating Marine Protected Area Management with Coastal and Ocean Governance: Principles and Practices (Session 2.7/III)

Chairs: Bud Ehler (USA) and Magnus Ngoile (Tanzania)

Presentations by: Charles Ehler (USA); Biliiana Cicin-Sain (USA); Magnus Ngoile (Tanzania); Lisa Eisma (Phillipines); Margo Jackson (USA); Andrew Skeat (Australia); Mary Power (SPREP); Moustafa Fouda (Egypt); and Jens Enemark (Germany)

- Marine Protected Areas (MPAs) and networks of MPAs can be more effectively managed within the broader context of ocean and coastal management. The draft principles and guidelines developed at the Baltimore workshop (July 2003) Integrating Marine Protected Area Management with Coastal and Ocean Governance: Principles and Practices are a good basis to develop guidelines for MPA managers.
- Small island development states represent a special case in relation to the management of MPAs and coastal and ocean areas. Whole islands should be taken as a single management unit. Revised principles and guidelines should include a special section on their application to small islands.
- ICM and MPA principles and guidelines need to commit to each others objectives and recognise the different bases of development of each approach as well as their contribution to national sustainable development strategies.

### The Role of Marine Protected Areas in Sustainable Fisheries (Session 2.8/III)

Chair: Wendy Craik (Australia)

Presentations by: Eric Verheij (Tanzania); Despina Symonds (Europe); Ety Argoes (Indonesia); Rebecca Lent (USA)

- There is an urgent need to define the role of MPAs at the IUCN level.
- There is a need to clarify terms.
- There is a need to encourage capacity building of RMFOs (regional fisheries management organizations) and increase dialogue with MPA managers.
- There is an urgent need to provide fishers with a scientifically based analysis of the benefits of MPAs to enable integration of this information into fishery management systems and plans.
- Ways to increase meaningful dialogue with key fisheries stakeholders must be found.
- There is a need to review and provide the fisheries component to the IUCN categories.
- The FAO fisheries code of conduct should be updated to embrace, recognize and reflect the concept and role of MPAs.
- Targets, while useful in some contexts, are often manipulated and the best approach may be to have the target expressed as “healthy oceans” and note that a measure of this target may be the quality of representativeness of the MPAs providing protection and sustainable nature systems.

### **Sessions on Global Trends and Instruments**

#### International Designations and Global Governance (Session 1.4/IIIb)

Chair: Albert Mumma (Kenya)

Presentations by: Michael Jeffrey (Canada); Sarah Titchen (Australia); Jane Robertson (UK); Roger Wilson (UK); Alain Lambert (Belgium), Anita Breyer, (Germany)

- There is growing body of law (both hard law and principles that represent soft law) that constitutes the governance framework for the management of PAs.
- There is a lack of synergy between existing international PA governance instruments and more effort is needed to enhance coherence and synergy.
- Movement is needed towards effective implementation, focusing not only on the number of sites protected but also quality and representativeness.
- Meeting international obligations of sites designated under international instruments and reconciling local needs is a challenge.
- The ideas of sustainable development where use must occur in a way that meets the needs of today without impairing the need of the future (intergenerational equity) provides a useful context in which to consider sites designated under international PA governance instruments.

#### Globalization and Decentralization: The Role of Legal Frameworks (Session 2.6/IIIj)

Chair: John Scanlon (Australia)

Presentations by: Maria Socorro Manguiat (Phillipines); Nicholas Robinson (USA); Antonio Benjamin (Brazil); Patricia Madrigal (Costa Rica); Pedro Solano (Peru); Robyn Stein (South Africa)

- Globalisation is both a positive and negative force for protected areas.
- As far as international law is concerned, there should be increased efforts to achieve ratification by all countries of multilateral environmental agreements (MEAs) such as the CBD.
- Greater attention needs to be given to the domestic implementation of MEAs.
- From the point of view of decentralization, protected area management without the participation of local communities is doomed to failure.
- Decentralisation of decision making for PAs is crucial, but must be carried out in tandem with capacity-building and education.

- Local communities must meet reasonable and legitimate standards in managing PAs to ensure effectiveness and meet defined objectives.
- Regionalisation has clear benefits for conservation and should be pursued, particularly in respect of transboundary protected areas and as way to manage at the ecosystem level.

## **Conclusions**

### **The emergence of governance as a key dimension in conservation**

Concern about the management of protected areas and their relevance to society as well as how decisions are made and applied at various levels led to the emergence of governance as a major new issue at the Vth World Parks Congress (WPC) in Durban. The outcome has been a new emphasis of collaboration towards conservation and social equity goals. The focus on governance at WPC advanced the agenda of the Millennium Development goals, the New Partnership for Africa's Development and WSSD. Importantly, it enriched those agendas by specifying the meaning of "good governance" and adopting a clear set of principles based on the work of the UN.

### **The adoption of Principles of Good Governance**

Five principles of Good Governance—Legitimacy and Voice, Accountability, Performance, Fairness, and Direction—based on work done by the UNDP, were adopted by the congress as a basis for governments and civil society to develop their own principles to improve PA management. WPC delegates recognised that good governance needs to be considered in the light of particular local circumstances and traditions.

### **A diversity of PA management types**

Legitimising and collaborating with new actors provides the potential to engage and empower communities, brings accountability and transparency into PA management, improves conservation and more equitably shares the benefits of PAs. New governance models for PAs, beyond management by government agencies at various levels, include various forms of collaborative management, management by indigenous and local communities and management by private landowners (for profit and not-for profit). The Congress adopted a typology of governance that acknowledges this diversity, adding a new dimension to the IUCN protected area categorisation. Discussions, presentations, experience and case studies clearly showed that PAs managed on the basis of a range of governance types can achieve biodiversity conservation, address gaps in PA systems of protected areas and improve connectivity and equity. Cooperation among various PA governance types benefits both people and conservation. New governance models, such as community conserved areas, both deliver conservation and empower the relevant communities.

### **Building Partnerships**

Governance stream participants shared experiences and insights about how to build partnerships and how to make partnerships work to benefit conservation and people in countries around the world. New conservation partners, especially communities, NGOs and the private sector, are driving changes to governance models. Governance is a unifying concept that allows us to build partnerships to benefit both people and conservation. As other forms of PA governance, partnerships should respect the principles of good governance and be called accountable to adhere to them.

### **Empowering communities for conservation**

Community support is important for the sustainability of PAs but it is not always a necessary condition. PAs can be maintained by oppressive means and the weak and powerless can be disenfranchised and dispossessed. Hence, moral and ethical principles as well as pragmatic reasons should be the basis for empowering local communities. Devolution and decentralization are ways to empower people as demonstrated by the experience of several countries, as well as the respect of human rights. Much should

be done, including strengthening the cultural identity of communities, securing their rights, developing policies that can fully bring forth the benefits of community conserved areas and co-managed protected areas and building the capacity of PA managers and community members.

### **Managing change**

Global change was one of the main themes of the congress. This change is happening rapidly, drastically affecting socio-economic and environmental conditions and PA governance. As an example, with the growth of the Internet, decisions makers are now just a click away from their constituents – a powerful tool that empowers people and enables them to demand accountability in a way that did not exist when we met at the 1992 World Parks Congress. It allows citizens to participate in community, national and international fora. As a counterforce, there is a pervasive trend towards the homogenisation of ideas, language and ways of operating. This works against diversity and the use of local approaches and indigenous knowledge. We must be vigilant to safeguard traditional systems.

### **Filling the Gaps**

Remarkable progress has been achieved in meeting the targets for expansion of the global protected area system. However, more still needs to be done to address gaps in the system and to conserve biodiversity, especially in the marine environment and in improving the quality and effectiveness of PA management. A great opportunity exists to recognise and promote community conserved areas and PAs under private ownership to complete national PA systems. This is both socially just and empowering. It also improves livelihoods and the natural environment and fosters trust and responsibility among conservation parties.

### **Outputs and Follow-up Actions**

The Governance Stream developed and approved inputs into the Durban Accord and Action Plan and the Message to the Convention on Biological Diversity, as well as six WPC Recommendations:

- WPC Rec 5.11 A Global Network to Support the Development of Transboundary Conservation Initiatives
- WPC Rec 5.16 Good Governance of Protected Areas
- WPC Rec 5.17 Recognizing and Supporting a Diversity of Governance Types for Protected Areas
- WPC Rec 5.24 Indigenous Peoples and Protected Areas
- WPC Rec 5.25 Co-management of Protected Areas
- WPC Rec 5.26 Community Conserved Areas
- WPC Rec 5.27 Mobile Peoples and Conservation

Individual sessions within the stream also contributed to development of several additional WPC results, recommendations, documents and follow-up actions, including:

- WPC Rec 5.22 Building a Global System of Marine and Coastal Protected Area Networks
- WPC Rec 5.23 Protecting Marine Biodiversity and Ecosystem Processes Through Marine Protected Areas Beyond National Jurisdiction
- WPC 5.29 Poverty and Protected Areas
- Proposal 3.2.3 Ongoing Survey and Assessment of Trends in PA Governance
- Proposal 3.2.4 Publication of Session 3.2 Proceedings
- Proposal 3.2.5 International Forum on PA Governance Issues
- Proposal 3.2.6 Compendium of Governance Lessons Learned and Handbook on Best Practices
- Proposal 3.2.7 Vision Statement for PA Agencies on PA Governance in the 21<sup>st</sup> Century
- Proposal 3.2.8 Framework and Guidelines for Implementing and Assessing PA Governance
- Proposal 3.2.9 Strategy and Handbook on Governance Capacity Building
- Proposal to establish a new inter-commission (WCPA, CEESP, CEL) task-force on PA governance (paragraph 4 of WPC 5.17)

- Proposal to set up an international Truth and Reconciliation Commission between indigenous and local communities and PAs (paragraph 1j of WPC 5.24)
- Established the World Alliance of Mobile Indigenous Peoples to promote mobility as a strategy for conservation
- Endorsed the Dana Declaration of 2000 on Mobile Peoples and Conservation (paragraph 1 of WPC 5.27)
- Developed a Private Protected Area Action Plan
- Endorsed the Executive Summary of the Ten-Year Strategy to Promote the Development of a Global Representative System of High Seas Marine Protected Area Networks
- Endorsed a proposal to expand the existing coalition on high seas marine protected areas
- Reviewed and elaborated the draft principles and guidelines on Integrating Marine Protected Area Management with Coastal and Ocean Governance

#### Publications prepared for WPC and launched within the Governance Stream\*

ABRAMS, Peter, Grazia BORRINI-FEYERABEND, Julia GARDNER, and Pippa HEYLINGS, *Evaluating Governance: A Handbook to Accompany a Participatory Process for a Protected Area*, manuscript, Parks Canada & TILCEPA, 2003.

BORRINI-FEYERABEND, Grazia and Trevor SANDWITH (eds.) *Parks* 13 (1), Special issue on Conservation Partnerships in Africa, 2003.

BORRINI-FEYERABEND, Grazia, Alex DE SHERBININ, Chimere DIAW, Gonzalo OVIEDO and Diane PANSKY (eds.), *Policy Matters*, 12, special issue on Community Empowerment for Conservation, 2003.

GRAHAM, John., Bruce AMOS and Tim PLUMPTRE, *Governance Principles for Protected Areas in the 21<sup>st</sup> Century*, Parks Canada (English, French and Spanish versions), 2003.

IUCN, MAE(France) et CIRAD, *What Governance for Protected Areas in Subsaharian Africa?*, Report of the Kompienga Workshop (French and English versions), Ouagadougou, 2003.

JAIRETH, Hanna and Dermot SMYTH (eds.), *Innovative Governance: Indigenous Peoples, Local Communities and Protected Areas*, Saxena, New Delhi, 2003.

NADAL EGEA, Alejandro, *Natural Protected Areas and Social Marginalization in Mexico*, *CEESP Occasional Papers*, 1, 2003.

SOLÍS RIVERA, Vivienne, Patricia MADRIGAL CORDERO, Ivannia Ayales Cruz, and Marvin Fonseca Borrás, *Equidad entre Áreas Protegidas y Comunidades Locales: Reflexión desde Mesoamérica y el Caribe*, IUCN, CEESP/ CMWG/ TILCEPA, Ivo, Solidar, GTZ, Avina, San José de Costa Rica, 2003.

STERN, Marc, *Transboundary Protected Areas: the Viability of Regional Conservation Strategies*, 2003.

THOMAS, Lee, *Governance of World Heritage Sites – Guidance and Checklist for Assessment of Governance at Candidate and Existing Properties*, manuscript, Parks Canada, 2003.

THORSELL, J., *World Heritage Convention: Effectiveness 1992-2002 and Lessons for Governance*, Parks Canada, 2003.

WHANDE, Webster, Thembele KEPE and Marshall MURPHREE (eds.), *Local Communities, Equity and Conservation in Southern Africa: Lessons Learnt and Recommendations from a Southern African Technical Workshop*.

#### **Papers Submitted**

##### Session 1.1 Opening Plenary

ALCORN, Janis B., Andres LUQUE, and Sandra VALENZUELA. *Global Governance and Institutional Trends Affecting Protected Area Management: Challenges and Opportunities Arising from Democratization and Globalization*.

AMOS, Bruce, John GRAHAM, and Tim PLUMPTRE. *Governance Principles for Protected Areas in the 21<sup>st</sup> Century*.

BORRINI-FEYERABEND, Grazia. *Governance of Protected Areas: Innovations in the Air*.

Session 1.4 On International Designations and Global Governance

JEFFREY, Michael. An International Regime for Protected Areas.

PRICE, Thomas L, Alioune Sylla ALADJI-BONI, Carlo PAOLINI, Koalo KONATÉ, Roger WILSON, AZIZOU EL HADJ Issa, Ottavio NOVELLI, Idé NIANDOU, François BUSSON, and Dominique DULIEU. *The “W” Regional Park of Benin, Burkina Faso and Niger: Building on a Process of Regional Integration to Address Both Local Interests and Transboundary Challenges*

Session 1.6 On Customary Law and Governance

HALL, Donna and Hamilton Pihopa KINGI. Who Has Ultimate Responsibility for Protected Areas? Defining the Relationship Between Maori and the Crown.

TAMANG, Parshuram. Customary Law and Conservation in the Himalaya: A Case of Nepal.

Session 2.1.A Community Conserved Areas: Issues of Governance and State Recognition

ALI, Inayat. Report on Shimshal Nature Trust (SNT), Ghojal, Northern Areas, Pakistan.

ALI, Inayat and David BUTZ. The Shimshal Governance Model—A CCA, a sense of cultural identity, a way of life.

SZABO, Steve and Dermot SMYTH. Indigenous Protected Areas in Australia: Incorporating Indigenous Owned Land into Australia’s National System of Protected Areas.

Session 2.1.B Community Conserved Areas: Issues of Livelihoods, Agrobiodiversity and Landscape Conservation

COLCHESTER, Marcus. Visit to a Potato Park.

Session 2.1.C Co-managed Protected Areas: From Conflict to Collaboration.

EGHENTER, Cristina and Martin LABO. In Search of Good and Equitable Governance for (Indigenous) Conservation Areas: A Case-Study from the Kayan Mentarang National Park.

MUTEBI, Jackson. Co-managed Protected Areas: from Conflict to Collaboration: Experience for Bwindi Impenetrable National Park, Uganda.

Session 2.1.D Co-managed Protected Areas: Social, Institutional and Environmental Linkages

FOURNIER, M. Jacques. La gouvernance dan un Parc Naturel Régional français, le cas du Livradois-Forez: un pacte social pour conserver la nature

STANCIU, Erika. Developing Collaborative Management in Retezat National Park, Romania.

WILSON, Andrew. Case Study from the North York Moors National Park, UK.

Session 2.3 Transboundary Protected Areas

MHINGA, Hosi Shilungwa II. Opportunities and Constraints in the Establishment of the Great Limpopo Transfrontier Park.

Session 2.4 Non-Governmental Organizations and Protected Area Governance

ALCORN, Janis. NGOs and protected areas case study: Paraguay – San Rafael Protected Area

ALCORN, Janis. NGOs and protected areas case study: Peru - Parque Nacional Cordillera Azul

ALCORN, Janis. Andres LUQUE, David ROTHSCHILD, and WENDY WEISMAN

Non-governmental Organizations and Protected Area Governance: Discussion Background Paper for Session 2.4

ALCORN, Janis and Ronald ZEBALLOS. NGOs and protected areas case study: Bolivia - The Gran Chaco Region of South America and the Kaa Iya National Park: Indigenous Peoples Roles in Collaboration with WCS, CPI-Chaco, and Bolivian Government

SINGH, Shekar. NGOs and protected areas case study: India - Andamans Island

HUSKOVA, Blazena. NGOs and protected areas case study: Czech Republic  
 SURALAGA, Dewi. NGOs and protected areas case study: Indonesia - Kayan Mentarang National Park

#### Session 2.6 Globalization and Decentralization: The Role of Legal Framework

BENJAMIN, Antonio Herman. Globalization and Decentralization: The Role of Legal Frameworks: The Brazilian Experience.

ROBINSON, Nicholas A. Globalization and Decentralization: The Role of Legal Frameworks: Reflections on the Experience in New York State and the USA.

SOCORRO MANGUIAT, Maria. Globalization and Decentralization: The Role of Legal Frameworks: The Philippine Experience.

SOLANO, Pedro. Globalization and Decentralization: The Role of Legal Frameworks: The Peruvian Experience.

STEIN, Robyn

#### Session 3.1.A Community Empowerment for Conservation: Key Conditions for effective community conservation: issues of culture, rights, legislation, policy and capacities.

##### Papers

CERNEA, Michael M. and Kai SCHMIDT-SOLTAU. National Parks and Poverty Risks: Is Population Resettlement the Solution?

ESPINOSA, Maria Fernanda. Indigenous Governance, Protected Areas and Local Conservation Initiatives.

MURPHREE, Marshall. Devolving Power: What, To Whom and How?

#### Session 3.2 Governance Requirements of Large Scale PA Structures and Systems

DEARDEN, Phillip and Michelle BENNETT. Trends in Global Protected Area Governance, 1992-2002.

LEE, Thomas. A Framework for Protected Area Governance for the Twenty-First Century

PAGNAN, Jeanne L. From Innovation to Inertia and Back Again? Innovative Regional Governance in the Arctic and Lessons in Developing a Circumpolar Protected Area Network.

PAGNAN, Jeanne L. Governments, Governance and Protected Areas: The Response of Large Scale Systems (also in French, Spanish and Russian)

CASAS GRANDE, Jesús. The Governability of Spain's National Parks

#### Video Produced

*Nsendemila*: Seka Malambo Drama Group of Zambia

\* A list of powerpoint presentations and copies of papers and powerpoint files are available. Please contact Governance Stream Co-chairs Grazia Borrini-Feyerabend ([gbf@cenesta.org](mailto:gbf@cenesta.org)) and/or Jim Johnston ([jim.johnston@pc.gc.ca](mailto:jim.johnston@pc.gc.ca)).