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A primer on governance for protected and conserved areas

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Speaking a common language...

As understanding of governance and related policy and practices is evolving throughout the world, we share a basic lexicon in the hope that speaking “a common language” may help to better communicate and

develop concepts of increasing clarity and meaning.





Conservation is a positive endeavour including "... the preservation, maintenance, sustainable use, restoration, and enhancement of the natural environment". (1)

Protected area is "...a clearly defined geographical space, **recognised, dedicated and managed**, through legal or other effective means, to achieve the **long-term conservation of nature** with associated ecosystem services and cultural values". (6) This IUCN definition applies equally to land, inland waters and coastal and marine territories and areas and is widely considered to be equivalent to the CBD definition.

Governance is (the process of) "...interactions among structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken and how citizens or other stakeholders have their say..." (2). In less elegant, but possibly clearer words, governance is about **taking decisions and ensuring the conditions for their effective implementation**. It is the process of developing and exercising authority and responsibility over time. It is about **who takes decisions, and how, including in relation to learning processes and evolving institutions in society**.

Governance is related to management but different from it:

What is the difference?

Management

is about *what is done* in pursuit of given objectives.

Governance

is about *who decides* about what is to be done, and *how* those decisions are taken.

It is about who holds **power, authority and responsibility** and who is, or should be, held accountable.



Governance is nothing new: someone, somewhere, has always been taking decisions about protected and conserved areas. **What is new is** that we are now paying better attention to governance, **adding visibility, articulating concepts, and monitoring and evaluating practice.**

There is **no ideal governance setting** for protected or conserved areas, but a set of “good governance” principles can always be taken into account.

Governance is appropriate only when tailored to its specific context and effective in delivering lasting conservation results, livelihood benefits and the respect of rights.





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Why governance?

- ▶ Governance is the variable with greatest potential to affect conservation **coverage**
- ▶ Governance is a main factor in determining the **effectiveness and efficiency** of management.
- ▶ Governance is a determinant of **appropriateness and equity** of decisions.
- ▶ Governance can ensure that protected areas are **better embedded in society**.

(See refs. 3, 10, 11)

Governance can be improved and provide precious help in facing on-going challenges and global change.



Governance diversity

We speak of **governance diversity** for protected and conserved areas when **decisions are made by a variety of actors** who enrich and strengthen conservation in practice. For instance, a national system of protected areas can “enhance governance diversity” by including in the system areas governed by different types of actors and under different arrangements, and/or by providing better recognition and support to conserved territories and areas outside the system.

Four main governance types

The IUCN and CBD distinguish four broad governance types for protected and conserved areas (4, 6, 10) according to the actors who take or took the fundamental decisions about them (e.g. the actors that “established” them and decided their main purpose and management).

The four main governance types are:

Type A. **governance by government**

(at various levels and possibly combining various agencies)

Type B. **governance by various rightsholders and stakeholders together**

(shared governance)

Type C. **governance by private individuals and organizations**

(usually the landholders)

Type D. **governance by indigenous peoples and/or local communities**

(often referred to as **ICCAs**)

ICCAs is an abbreviation that refers to the **territories and areas conserved by indigenous peoples and local communities**.

There are three essential characteristics common to ICCAs (8, 9):

- ▶ an indigenous people or local community possesses a close and profound relation with a site (territory, area or habitat)
- ▶ the people or community is the major player in decision- making related to the site and has *de facto* and/or *de jure* capacity to develop and enforce regulations
- ▶ the people’s or community’s decisions and efforts lead to the conservation of biodiversity, ecological functions and associated cultural values, regardless of original or primary motivations

Management categories and governance types are independent and can be juxtaposed in the “IUCN Matrix” (6, 10), visualizing a spectrum of area-based options to conserve nature in a given region/system. The IUCN Matrix can be used to situate **protected areas** but also **territories and areas conserved *de facto*** (the management category, in such case, would not correspond to a key management objective but to an observed result).

The IUCN Matrix

Governance type Management Category	A. Governance by government			B. Shared governance			C. Private governance			D. Governance by indigenous peoples and local communities	
	Federal or national ministry or agency in charge	Sub-national ministry or agency in charge	Government-delegated management (e.g. to an NGO)	Transboundary governance	Collaborative governance (various forms of pluralist influence)	Joint governance (pluralist governing body)	Conserved areas established and run by individual landowners	...by non-profit organisations (e.g. NGOs, universities)	By for-profit organisations (e.g. corporate landowners)	Indigenous peoples' conserved areas and territories— established and run by indigenous peoples	Community conserved areas and territories— established and run by local communities
Ia. Strict Nature Reserve											
Ib. Wilderness Area											
II. National Park											
III. Natural Monument											
IV. Habitat/ Species Management											
V. Protected Landscape/ Seascape											
VI.PAs with Sustainable Use of Natural Resources											

Conservation depends on well governed systems of protected and conserved areas in the landscape and seascape...

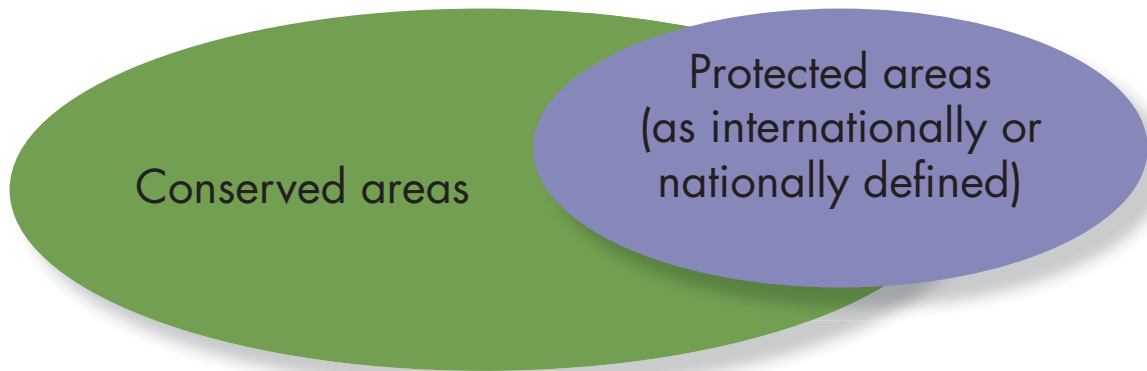


...and **systems are made stronger by governance diversity.**

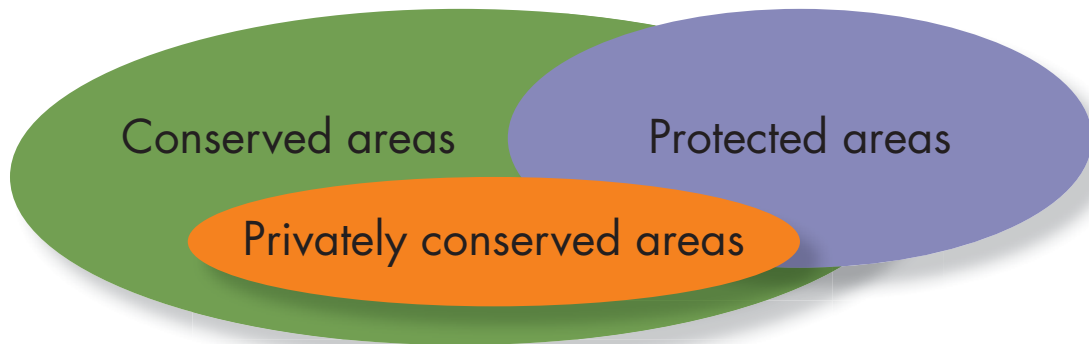
Conserved territories or areas

Conserved territories or areas are “...area-based measure that— regardless of recognition and dedication and at times even regardless of explicit and conscious management practices— achieve conservation *de facto* and/or is in a positive conservation trend and likely to maintain this trend in the long term...” (11). This definition applies equally to land, inland waters and coastal and marine territories and areas.

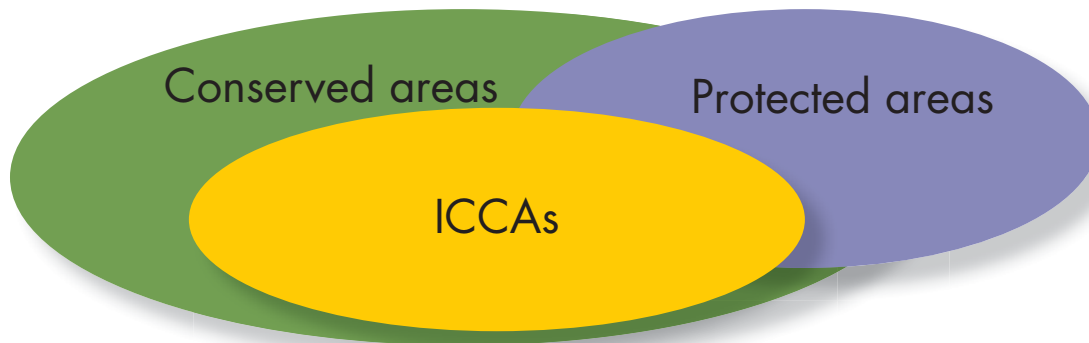
The governance types apply to both protected areas and conserved territories and areas that are NOT recognised as “protected” by the IUCN or any specific national government. In this sense, the terms “Privately Conserved Areas” and “ICCAs” encompass extents of land, inland waters and coastal and marine territories and areas that go beyond those recognised as “protected” by either national government or the IUCN (11). The sketches in the next page offer a graphic sense of this (relative dimensions are offered only as orientation):



Sketch 1. **Incomplete overlap between conserved and protected areas**



Sketch 2. **Incomplete overlaps among conserved areas, protected areas and privately conserved areas**



Sketch 3. **Incomplete overlaps among conserved areas, protected areas and ICCAs**

Voluntary and ancillary conservation

Many systems of land and water management support high levels of biodiversity, including critical biodiversity, outside the formal system of protected areas, in sites such as tourism and commercial hunting reserves, private estates or village forests.

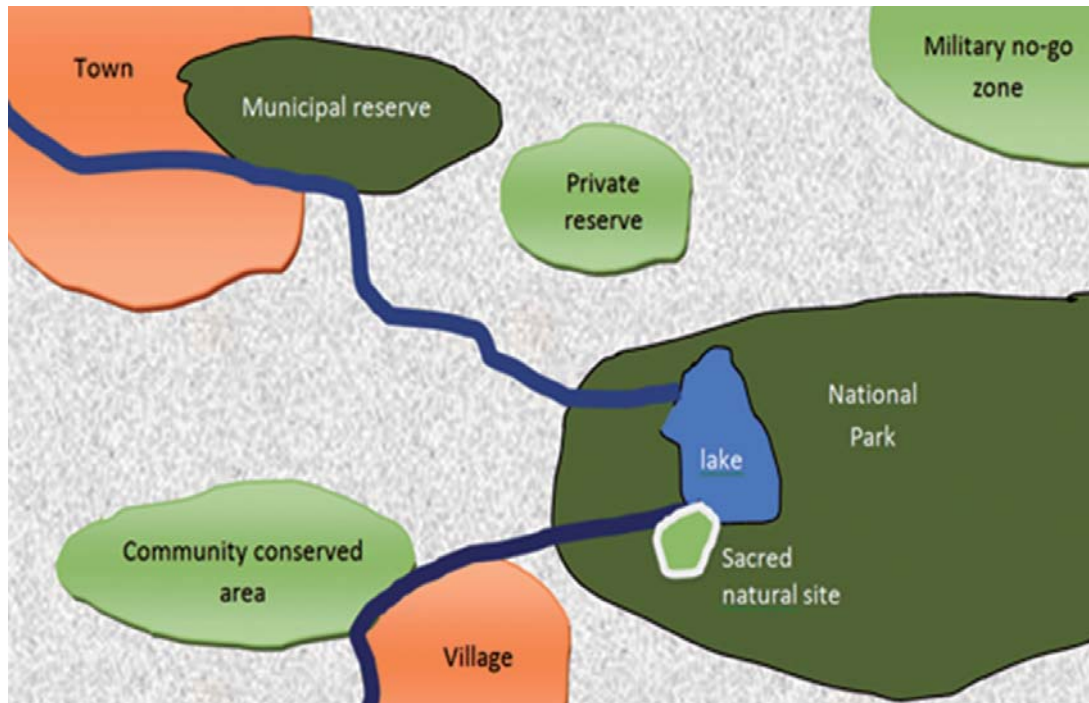
The term **voluntary conservation** (7) captures the idea that those who exercise governance do so consciously and without restriction, in ways that are fully compatible with conserving biodiversity values while they may or not see conservation as the primary objective of their management efforts. In other cases, as in military no-go areas or areas abandoned after a natural or man-made disaster, the term **ancillary conservation** (10) is more appropriate, since conservation is an entirely unintended (though welcome) consequence of management for other purposes.



Conservation in the landscape and seascape is the result of various area-based and non-area-based measures. Among area-based measures we find both protected areas and conserved territories and areas. Crucially, those should be biologically, but also socially, well connected.

Systems of protected and conserved areas

A well-functioning **system of protected and conserved areas** is **complete** and **well-connected** in conserving the representative features and functions of nature in a given environment.



Sketch 4. **A system of area-based conservation measures in the landscape**



Other effective area-based conservation measures (OECMs)

The term “other effective area-based conservation measures” – abbreviated as **OECMs** – is used by the Convention on Biological Diversity to refer to territories and areas that are **effectively conserved** but not part of the official protected area system of a given country. In this sense, OECMs can be seen as “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**” (11).

OECMs can include the following:

OECMs

- ▶ Primary voluntary conservation that the national government does not wish to recognise as a protected area
- ▶ Primary voluntary conservation that refuses the protected area label and/or inclusion in the national system (e.g. because of self-determination and self-governance issues)
- ▶ Secondary voluntary conservation
- ▶ Ancillary conservation with a reasonable expectation to be maintained in the long-term

The following Table summarises various ways of classifying conservation efforts and results:

Conserved areas (conserved <i>de facto</i> with a reasonable expectation that conservation will be maintained in the long term)	Conservation of nature is the primary management objective	Conservation of nature is not the primary management objective
The State government recognizes it as part of its system of protected areas	The area is a protected area both according to the IUCN and in the country at stake	The area is a protected area in the country at stake, although not internationally; it likely comprises voluntary conservation; it can comprise ancillary conservation; it can be considered an OECM from an international point of view
The State government does not recognize it as part of its system of protected areas	The area is a protected area according to the IUCN (but not recognized as such nationally); the area most likely comprises voluntary conservation; the IUCN recommends to nationally consider it as an OECM	The area is neither recognized as a protected area nationally nor internationally; it likely comprises voluntary conservation and/or ancillary conservation; the area can be considered nationally as an OECM



Governance quality



IUCN principles of good governance for protected areas

We speak of **governance quality** when decisions are made while respecting the “**good governance” principles** developed through time by a variety of peoples, nations and UN agencies. A simple and compact formulation of the “IUCN principles of good governance for protected areas” (10), includes:

- ▶ **Legitimacy and voice**— i.e. enjoying broad acceptance and appreciation in society; ensuring procedural rights of access to information, participation and justice; fostering engagement and diversity; preventing discrimination; fostering subsidiarity, mutual respect, dialogue, consensus and agreed rules...
- ▶ **Direction**— i.e. following an inspiring and consistent strategic vision grounded on agreed values and an appreciation of complexities; ensuring consistency with policy and practice at various levels; ensuring clear answers to contentious questions; ensuring proper adaptive management and favouring the emergence of champions and tested innovations...
- ▶ **Performance**—i.e. achieving conservation and other objectives as planned; promoting a culture of learning; engaging in advocacy and outreach; being responsive to the needs of rightsholders and stakeholders; ensuring resources and capacities and their efficient use; promoting sustainability and resilience...
- ▶ **Accountability**—i.e. upholding integrity and commitment; ensuring appropriate access to information and transparency, including for lines of responsibility, allocation of resources, and evaluation of performances; establishing communication avenues and encouraging feed-back and independent overseeing...
- ▶ **Fairness and rights**—i.e. striving towards equitably shared costs and benefits, without adverse impact for vulnerable people; upholding decency and the dignity of all; being fair, impartial, consistent, non discriminatory, respectful of procedural rights as well as substantive rights, individual and collective human rights, gender equity and the rights of indigenous peoples, including Free, Prior and Informed Consent; promoting local empowerment in conservation...

Thus, a “**good governance**” situation is one in which decisions are taken legitimately, competently, fairly, with sense of vision, accountability and while respecting rights.

Equitable and effective governance

The IUCN good governance situation can also be summed up as “equitable and effective governance”.

The criteria of legitimacy, voice, fairness and (procedural and substantive) rights contribute to **equitable** governance. The criteria of direction, performance and accountability lead to governance that is **effective**.





Substantive and procedural rights

Rights are usefully distinguished between substantive and procedural. Procedural rights, such as the **rights to information, participation and access to justice**, govern the process of determining and adjudicating substantive rights. In turn, substantive rights refer to the specific powers and obligations of individuals and collective bodies under accepted customs and legislation. They span from **basic human rights** (e.g. life, liberty) to **material and financial rights** under specific contractual conditions (e.g. access to a given territory). Procedural and substantive rights deserve respect in relation to both protected and conserved areas and territories



Governance vitality

We speak of **governance vitality** when decision-making actors and institutions are functional, responsive and thriving, meeting their role and responsibilities in **timely** and **appropriate** ways. Vitality is expressed by several of these properties:

- ▶ **Integration and connectivity** —i.e. having abundant and meaningful interactions with diverse actors, sectors and levels of decision-making in society, including those interactions that characterise a system versus scattered and isolated single protected areas, and those interactions that render decisions effective through the generation of political, social and financial support...
- ▶ **Adaptability** —i.e. being reflexive and flexible, able to accommodate circumstances, integrate knowledge from different cultures, learn from experience and weigh options through dialogue, exchanges, experiment and debate... able to take rapid and meaningful decisions even under challenging circumstances...
- ▶ **Wisdom** —i.e. being aware and respectful of the socio-ecological history and traditional worldviews, knowledge and values of the relevant environment and communities; governing situations of meaningful scope (e.g. regarding the size and coherence of the units to manage, the number of actors to involve...) and in line with solidarity rather than self-interest only (e.g. sharing benefits, avoiding accumulation and waste, keeping in mind future generations); not only allowing, but fostering the engagement of as many relevant actors in society as possible...
- ▶ **Innovation and creativity** — i.e. openness to new ideas, ability to re-invent and renew itself as only a living system does, ability to conceive and implement new solutions, support the emergence of new rules and norms, respond positively to change and continue to develop...
- ▶ **Empowerment** — i.e. being self-conscious, self-directed, willing and capable of demonstrating leadership, such as by organizing timely responses to emerging environmental conditions, problems and opportunities... but also being self-disciplined and self-critical, able to take on responsibilities in effective and dependable ways...

While governance diversity and quality have been explored rather exhaustively, the concept of governance vitality has only recently been identified for further consideration. (11). All governance properties are open to enrichment and debate.

How does governance improve?

The IUCN and CBD have recently published a volume of **Guidelines for assessing, evaluating and planning for action** with a view to improving governance for a system of protected areas or a specific site (10). In both cases, the methodology begins with an analysis of the historical, socio-cultural, institutional and legal contexts. It then proceeds with a spatial analysis of **governance vis-à-vis the status of conservation of nature**. This requires a large, territorial view of the region or area under consideration, including an assessment of biological, ecological and cultural values and their potential association with governance diversity, quality and vitality. From that, valuable lessons can be derived and action plans for improvement can be drawn.



Globally, there remains a need to initiate such **systematic governance assessments and evaluations processes** in a range of contexts, with the aim and expectation that they will catalyze enhanced diversity, quality and vitality. A structured programme of governance assessments, supported by **learning and capacity development networks** is a short and medium term priority to strengthen both conservation policies and results.

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CBD Secretariat <http://www.cbd.int/protected/>

ICCA Consortium: <http://www.iccaconsortium.org/>

IUCN-Global Protected Area Programme (GPAP) on Governance: www.iucn.org/pa_governance

UNEP WCMC protected area database <http://www.protectedplanet.net/>

Abbreviations and acronyms

CBD	Convention on Biological Diversity
GEF	Global Environment Facility
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (German Cooperation Agency)
ICCAs	Territories and areas conserved by indigenous peoples and/or local communities
IUCN	International Union for Conservation of Nature
OECM	Other effective area-based conservation measure
PA	Protected Area
SGP	Small Grants Programme (of GEF)
UNDP	United Nations Development Programme



