

Governance of Natural Resources— the Key to a Just World that Values and Conserves Nature?

The 5th IUCN World Parks Congress (WPC) and the 2004 Programme of Work (PoW) on Protected Areas endorsed by the 7th Conference of the Parties (COP 7) of the Convention on Biological Diversity (CBD) generated new commitments and policy guidance for protected areas worldwide. In both, the concept and practice of “governance” were recognized as centrally important. These have been clear signals that the recent work of the UN on governance—in particular the commitment of the Millennium Development Goals and the analyses included in the Human Development Reports of 1999 and 2002—have not been unheard in the conservation community. If anything, “governance” is important for conservation well beyond protected areas, to encompass all that needs to be valued and well managed to maintain biodiversity and ecosystem integrity. Many see it as central to achieve the vision of IUCN of “a just world that values and conserves nature”. Why is it so?

Governance of natural resources

Governance is about power, relationships and accountability. It thus has a major influence on the achievement of management objectives (effectiveness), the sharing of relevant responsibilities, rights,

costs and benefits (equity), and the generation and sustenance of community, political and financial support for wise and sustainable use (sustainability). Governance can be qualified in at least two major ways. One has to do with “type”, the other with “quality”.

“governance of natural resources” can be understood as the 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 in the management of natural resources—including biodiversity conservation...

Governance types

“Types” of governance of natural resources can be distinguished on the basis of “who holds management authority and responsibility and is expected to be held accountable according to legal, customary or otherwise legitimate rights”. In this sense, four broad types (see Table 1) have been discussed at the 5th IUCN World Parks Congress for the

case of protected areas¹ and can be cautiously extrapolated² to refer to natural resources in general and to biodiversity in particular. Out of the broad context of all existing land and natural resources, which would take us very far, we are concerned here only with the governance of crucially important ecosystems and biodiversity, which demand strong and well-focused conservation efforts. For those, we may have:

A. Governance by the government— Authority, responsibility and accountability rest with a government ministry or an agency at national, regional or municipal level. The land and resources are subjected to use rules and regulations under the law, and often included as part of a system of protected areas. Management may be directly exercised or delegated but the government retains full ownership and control. At times, the government is committed to inform or consult other concerned parties prior to making management decisions.

B. Joint governance by several concerned parties— Authority, responsibility and accountability are shared among a variety of parties, likely to include one or more government agencies, local communities, private landowners and other stakeholders. The parties recognize the legitimacy of their respective entitlements and chose or are required to collaborate. Examples include co-managed protected areas and conservation easements. Ecosystems designated for transboundary conservation and high-seas protected areas are other promising candidates.

C. Private governance— Authority and responsibility rest with the landowners, which may exercise it for profit (e.g., tourism businesses) or not for profit (e.g., foundations, universities, conservation NGOs). Usually, the landowners are fully responsible for decision-making and their accountability to



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ments for the reduction of poverty and the application of principles of “good governance” at all levels. In this sense it was argued that conservation must embrace moral and ethical principles, which start by “doing no harm”, especially to local people who depend on natural resources for their livelihoods. The risk of impoverishing some of the world poorest people in the name of conservation must be avoided by all means.³ Human rights should be respected in conservation no less than in other endeavours.

In a positive and constructive sense, WPC and COP 7 also recognised that **community empowerment could be a powerful avenue to enhance conservation**. They stressed that attention should be given to local institutions for natural resource management, effective forms of representation in co-management bodies and participatory democracy in general. Further, they acknowledged that **conservation is and should be part of cultural identity and pride**.

What practical consequences for the Parties to the Convention on Biological Diversity?

COP 7 specifically highlighted governance of natural resources in Element 2 of its Programme of Work (PoW) on Protected Areas, entitled **Governance, Participation, Equity and Benefit Sharing**. This is not surprising since one of the three overall objectives of the Convention is the equitable sharing of conservation benefits. In Element 2 of the PoW, however, there is an evident effort at translating into specific activities and standards the new understanding about governance types and quality. In particular, examples of governance of type D referred to as “Community Conserved Areas” were highlighted as a fundamental mechanism in

the society at large is quite limited.

D. Community governance— Authority and responsibility for managing the natural resources rest with the indigenous peoples and/or local communities with customary and/or legal claims over the land and natural resources. The communities have in place some forms of traditional governance, or otherwise locally agreed organisations and rules. Land and resources are usually collectively owned and managed, but partial private or clan-based “ownership” can also be accommodated. Accountability to society at large remains usually limited, although is at times achieved as a counterpart of recognised rights or economic incentives.

While no governance type is in principle superior to another, under similar circumstances different types are likely to produce different conservation outcomes. Importantly, they also tend to produce different equity outcomes. Equity is related to a fair share of the relevant costs and benefits of conservation and to the opportunity of participating in decision-making on the basis of entitlements and rights—both of which depend upon who holds decision-making authority and responsibility and whether and how those are held accountable.

Quality of governance

Often the term governance is accompanied by the adjective “good”, as we seek “good governance” rather than governance as usual. As “good” can be specified only in terms of benchmarks and criteria, a number of **principles of good governance** have been advanced at various levels. The principles discussed at WPC and taken on

board by the CBD derive from those proposed in recent years by various agencies of the United Nations and regional conventions (see Table 2), and include “Legitimacy and Voice”, “Accountability”, “Performance”, “Fairness”, and “Direction”. The principles encourage all those involved in the establishment and management of protected areas to recognise and involve diverse management partners and be transparent, inclusive and accountable in decision making. In this sense, also “Subsidiarity”—the fact of attributing management authority and responsibility to the institutions closest to the resources at stake—has been discussed as a principle *per se*.

Of crucial underlying importance to all these principles is the **link between conservation and human rights and poverty alleviation**. Too often, the management of precious natural resources has been based on models that exclude the local resident populations and identify their concerns, and often their very presence, as incompatible with conservation. Not a few resident communities and user nomadic communities have been, and at times still are, forcibly denied access to land and natural resources without negotiated agreement and fair compensation. Both WPC and COP 7 discussed this for the case of protected areas and stated that these are now unacceptable practices, especially as the international community adopts commit-



support to conservation⁴ and accompanied by a series of specific recommended activities, which include:

- Developing better practices and stronger patterns of accountability in protected area governance.
- Recognising and promoting various protected area governance types in national and regional systems to support people's participation and community conserved areas through specific policies and legal, financial and community means.
- Establishing policies and institutional mechanism to facilitate the above with full participation of indigenous and local communities.
- Seeking prior informed consent before any indigenous community is relocated for the establishment of a protected area.
- Better appreciating and understanding local knowledge and the priorities, practices and values of indigenous and local communities.
- Identifying and removing barriers preventing adequate participation of local and indigenous communities in all stages of protected area planning, establishment, governance and management.

Element 2 of the PoW also calls for studies, constructive dialogue, exchange of information and experiences and joint research among local and non-local experts. It asks for a more equitable division of the costs and benefits of conservation for indigenous and local communities and to make use of conservation benefits to reduce poverty. Specifically, among the targets to be reached and reported on by the Parties to the Convention in the next years are the following (emphasis added):

Target 1.4: All protected areas to have effective management in existence by 2012, using *participatory* and science-based site planning processes that incorporate clear biodiversity objectives, targets, management strategies and monitoring programmes, drawing upon existing methodologies and a long-term management plan *with active stakeholder involvement*.

Target 2.1: Establish by 2008 mechanisms for the *equitable sharing of both costs and benefits* arising from the establishment and management of protected areas.



Target 2.2: Full and effective participation by 2008, of indigenous and local communities, in full respect of their rights and recognition of their responsibilities, consistent with national law and applicable international obligations, and the participation of relevant stakeholders in the management of existing, and the establishment and management of new, protected areas

Target 4.1: By 2008, standards, criteria, and best practices for planning, selecting establishing, managing and governance of national and regional systems of protected areas are developed and adopted. If these targets are important for protected areas so are to help us conserve biodiversity and ecosystem integrity outside of protected areas.

What can IUCN do?

IUCN has already embraced governance of natural resources as a priority topic in conservation. At the WCC in Bangkok, in November 2004 there is, however, a major opportunity to restate this commitment and make it more widely appreciated among the members and better specified. Some IUCN members have submitted motions (e.g., CGR3.RES062 and CGR3.RES063) proposing that IUCN could take a stronger leadership role in relation to governance of natural resources, for instance by promoting in depth analyses of the relevant concepts, policies and practices in

Table 2. Practicing equity in conservation— proposed principles of good governance of natural resources

Principles of good governance for valuable biodiversity and ecosystems	The United Nations Principles and other broadly accepted goals and rules of conduct on which they are based ⁵
1. Respect human rights. Do no harm!	Universal Declaration of Human Rights Millennium Development Goals
2. Legitimacy and Voice	Participation in governance (Millennium Declaration) Consensus orientation
3. Subsidiarity	Subsidiarity
4. Fairness	Fair and equitable sharing of the benefits arising out of the utilization of genetic resources (CBD) Rule of law
5. Accountability	Accountability and transparency
6. Performance	Responsiveness Effectiveness and efficiency
7. Direction	Strategic vision Embracing complexities



contexts crucial for biodiversity conservation and sustainable livelihoods, by adopting a formal statement and position about the subject, and by advocating good governance as a major element in national and international conservation policies.

The IUCN Commissions— in particular, CEESP, WCPA and CEL—have also very significant roles to play. They can support and advise CBD Parties in their fulfilment of the objectives of the Programme of Work on Protected Areas and they can effectively act as key promoters and conveners of analyses, synthesizers of lessons learned and facilitators of mutual exchange and learning.

Table 1: Four Types of Protected Area (PA) Governance

Governance type	A. Government Managed Protected Areas			B. Co-managed Protected Areas			C. Private Protected Areas			D. Community Conserved Areas	
	Federal or national ministry or agency in charge	Local/ municipal ministry or agency in charge	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, universities, etc.)	...by for profit organisations (e.g. individual or corporate land-owners)	Declared and run by Indigenous Peoples	Declared and run by 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											

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Notes

- http://www.iucn.org/themes/ceesp/Wkg_grp/TILCEPA/WPC/governance%20final%20report%20Oct%2003.pdf
- We take this "extrapolation" as a heuristic device, keeping in mind that important distinctions need to be maintained (e.g. protected areas are "site-based" entities while biodiversity includes non "site-based" entities such as migratory species).
- Cerneia and Schmidt-Soltau, 2003.
- See the companion TILCEPA / CMWG Briefing Note on Community Conserved Areas.
- See, among others, the Universal Declaration of Human Rights, the Convention on Biological Diversity, the Aarhus Convention, ILO Convention No 169, the UN Draft Declaration on the Rights of Indigenous Peoples, the UN Conference on Governance for Sustainable Growth and Equity.