8. A framework for assessing and evaluating governance for a system of protected areas

The main objective of the CBD PoWPA is the establishment and maintenance of “comprehensive, effectively managed and ecologically representative national and regional systems of protected areas”. The adoption of the CBD National Profile on the Implementation of PoWPA requires Parties to report progress on their system’s “representativeness, comprehensiveness and assessed ecological gaps”. In the light of this, countries need a comprehensive baseline assessment of what they do or do not include in their protected area systems. IUCN offers a broadly accepted definition of what a protected area is and of a range of management categories and governance types. It has also provided basic guidance on what a protected area system should include, stating that a protected area system should strive to be representative, comprehensive, balanced, adequate, coherent, consistent, efficient and equitable. Many of these characteristics can be satisfied by ecological and biological considerations alone, but all require socio-economic and political leverage for the system to be established and/or expanded. In particular, governance considerations in terms of type and quality need to be examined if a protected area system is to become both “efficient and equitable”.

We propose here a framework for governance analysis comprising historical, socio-cultural, legal and spatial elements. The framework is indicative rather than definitive or prescriptive. It comprises a number of steps that could be carried out as part of the workshop recommended for Phase 3 of the process. The framework is first described in general terms and then presented in greater detail in Table 9. Finally, we offer advice on how to carry out each step.

APIs
Within this document, we adopt the abbreviation APIs for “areas of particular importance for biodiversity and ecosystem services” – a key reference in Aichi Target 11 of CBD.

Participants should begin by clarifying whether the system under consideration is to be an entire country or part of it, such as a region or a major ecological feature. They are then invited to explore the historical development of the relevant protected area system, the actors and institutions which play or have played important roles, and the legislation and policy framework available to accommodate a diversity of protected area governance types. Following that, they should identify the IUCN management category and governance type for each protected area in the system, positioning them within the IUCN Protected Area Matrix (see Table 5 in Section 4) and examining their distribution and any clustering. The next step is a spatial analysis of governance (or governance analysis from an ecosystem perspective) for protected areas, identifying governance types on a map of the country or region.

Participants should then identify and map “areas of particular importance for biodiversity and ecosystem services” (in short, APIs) on the basis of available knowledge about conservation priorities, ecological gaps, and endemism, diversity and rarity of species and habitats, and drawing on available lists of Key Biodiversity Areas and other such analyses. Data describing ecosystem diversity and ecosystem functions should be combined with the above. Data on cultural diversity (e.g., linguistic diversity) and cultural values such as sacred sites and the traditional territories of indigenous peoples is also important in identifying valuable areas and, generally, should be considered in taking Aichi

316 See Section 1.2 of this volume and Dudley, 2008. Note that this definition is not limited to government-established protected areas.
318 Dudley, 2008.
320 The term “areas of particular importance for biodiversity and ecosystem functions” is used drawing from CBD Aichi Target 11. These generally include Key Biodiversity Areas (Langhammer et al., 2007), although a universally agreed standard for this concept is still to be reached (Stephen Woodley, Co-Chair IUCN WCPA Task Force on Biodiversity Outcomes, personal communication, 2012).
Chapter 8  A framework for a system of protected areas

Target 18\textsuperscript{321} into account. As far as possible, this information should have been assembled in Phase 2 of the process and organised spatially on a GIS with the possibility of generating digital overlays on a Google Earth image platform.

After mapping these APIs, the participants should identify those among them that appear effectively conserved either within officially designated protected areas or outside them (e.g., by voluntary and ancillary conservation measures). They should then identify those APIs whose biodiversity is suffering from active degradation or is at serious impending risk (i.e., facing damage and threats). The spatial analysis should be completed with a spatial analysis of governance types for each of these APIs, using the four main governance types. This will provide a broader picture of the conservation status of all APIs, both those within and outside the protected areas, and show what correlation exists between governance types and geographical and ecological features in the landscape/seascape.

Theoretically, the governance analysis could be applied to a region or an entire country, but a practical start should be made by focusing only on protected areas and APIs within a limited geographical area.\textsuperscript{322} This will keep the exercise as manageable as possible and focus on conservation priorities.

321 Aichi Biodiversity Target 18 of the CBD Strategic Plan 2011-2020 states that “By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.”

322 For a large country, an initial national workshop may need to be followed by a series of regional ones.

In undertaking a spatial comparison of the governance types of protected areas against APIs, it is important also to identify if the decision-making processes associated with the protected areas accord with broadly-accepted criteria for good (equitable) governance (see Section 6). This can be done using various methodologies, including an analysis of case events, interviews and observations, or group exercises, such as the one proposed in Annex 2 to this volume.\textsuperscript{323} From these steps, it is possible to draw some general conclusions and extract lessons relating to questions such as:

- Which areas are effectively conserved and which are threatened, and do these conditions correlate with governance type or quality?
- Could the governance of protected areas and APIs better fit the context at stake?
- Are there provisions in law regarding conservation and governance that could be better implemented? Should the legal framework for protected areas be improved?
- Could the quality of the governance of the system, and of sites within it, be improved?
- What recommendations can be drawn, and to whom should those be addressed?

The careful documentation of the information, problems, opportunities, questions, answers and uncertainties that will surface throughout the workshop is essential, as these will need to be referred to in the following steps of planning and implementing action.

\textsuperscript{323} Available at www.iucn.org/pa_governance

Table 9. Framework for assessing and evaluating the governance of a system of protected areas

<table>
<thead>
<tr>
<th>Step</th>
<th>Key questions</th>
<th>Explanations/notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Listing and mapping</td>
<td>What does the system of protected areas comprise? What scale maps allow a spatial view of the distribution of protected areas that best allow their analysis as a system?</td>
<td>This is basic information about the protected area system, also to be included in CBD national reports on the implementation of PoWPA. Different scale maps may be needed to appreciate different phenomena. See Section 8.1</td>
</tr>
<tr>
<td>History and culture</td>
<td>What are the origins of the conservation initiatives and related system of protected areas? How did the system develop? Have characteristic cultural traits and values played a role in conserving nature and developing the system of protected areas?</td>
<td>These questions can only be answered by in-depth analyses, but even a brief historical overview can help to set into perspective the range of phenomena and cultural conditions that supported or hindered the conservation of nature and the development of the protected area system. See Section 8.2</td>
</tr>
<tr>
<td>Actors and institutions</td>
<td>What actors and institution(s) were/are formally in charge of developing, coordinating and taking decisions about the system of protected areas? What actors and institution(s) would like to be involved and/or are ready to take on a role?</td>
<td>This is basic information about the protected area system, also to be included in PoWPA implementation reports and action plans. The analysis can also offer insights on the potential for governance innovation for the system. See Section 8.3</td>
</tr>
<tr>
<td>Conservation de jure</td>
<td>What legal framework (legislation as well as policy derived from legislation) regulates the governance of the protected area system and of individual sites? Does such a legal framework allow a variety of protected area governance types? Who can legally establish protected areas and take their key management decisions?</td>
<td>This question leads the workshop participants to investigate what is legally possible with respect to governance types of protected areas in the region or country under consideration. For example, can places that are conserved through traditional governance approaches be incorporated into protected area systems? See Section 8.4</td>
</tr>
<tr>
<td>IUCN Protected Area Matrix analysis</td>
<td>What can we learn from situating all the protected areas in the system in the IUCN Protected Area Matrix? Is the distribution even or uneven? Are certain management categories or governance types under-represented? Are others missing entirely? Are there evident associations between certain management categories and governance types? Overall, how diverse does the protected area system appear to be in terms of management categories and governance types?</td>
<td>This analysis begins by checking that all the areas meet the IUCN definition of a protected area. Then it examines if the system takes full advantage of all IUCN management categories and governance types. If some rows or columns in the Matrix appear empty, it would be important to ascertain why, possibly in combination with step 4. The IUCN Protected Area Matrix analysis also reveals which protected area options have actually been adopted among those legally possible. See Section 8.5</td>
</tr>
<tr>
<td>Spatial analysis of governance for protected areas</td>
<td>Is there any clustering of governance types with specific geographic or ecological features (e.g., forests, national borders)?</td>
<td>This simply adds a spatial dimension to the preceding step, offering a picture of the distribution of governance types in the landscape/seascape under consideration. See Section 8.6</td>
</tr>
<tr>
<td>Listing, mapping and conservation status of APIs</td>
<td>Can “areas particularly important for biodiversity and ecosystem services” (APIs) be listed and spatially identified on a map at the same scale of the map of protected areas compiled so far? Are there APIs under protected area status? Do such APIs appear effectively conserved? Are there APIs outside protected areas? Among the latter, are there some that appear effectively conserved (e.g., because of voluntary or ancillary conservation measures)?</td>
<td>This is basic information, needed to understand how complete the coverage of protected area is in terms of conservation requirements, and which APIs are effectively conserved outside protected areas. See Section 8.7</td>
</tr>
<tr>
<td>Active damage and risk analysis for APIs</td>
<td>Are there phenomena that currently damage or provide impending serious risks to the integrity of APIs? Can such phenomena be listed and spatially identified on a map at the same scale of the map of protected areas? Are there protected areas currently being damaged or under threat? Are there APIs currently being damaged or under threat?</td>
<td>This is basic information needed to understand current damage and threats. See Section 8.8</td>
</tr>
<tr>
<td>Spatial analysis of governance for APIs</td>
<td>Is there are clustering or association between governance types and important geographic or ecological features (e.g., forests)? Is any governance type preferentially associated with APIs that are encompassed within the protected area system? Is there any governance type preferentially associated with APIs that appear effectively conserved outside protected areas? Do any particular governance types tend to be associated with APIs that suffer from damage and threats?</td>
<td>Information is sought here on the governance types that contribute to conservation within and outside the protected area system. Part of this information will need to be included in CBD national reports on the implementation of PoWPA. The analysis will also shed light on the governance types that might be most associated with damage and threats. See Section 8.9</td>
</tr>
<tr>
<td>Governance quality</td>
<td>Does the country possess legal or policy provisions to ensure “good governance” in general and/or for protected areas in particular? How is the system of protected areas actually run? How legitimately, purposefully, effectively, accountably, fairly, and respectfully of rights?</td>
<td>Information is sought here on both existing legislation and policy and on whether the protected area system respects the IUCN principles of good governance for protected areas (see Table 8). See Section 8.10</td>
</tr>
<tr>
<td>Evaluation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Governance options to strengthen conservation</td>
<td>Given the results of the assessment, what governance options exist to consolidate, strengthen and expand conservation? Can those options improve the effectiveness, efficiency, equity and acceptance in society of the system, and its resilience in face of change?</td>
<td>See Section 8.11</td>
</tr>
<tr>
<td>Legal options to recognise diverse governance types</td>
<td>Given the results of the assessment, would it be desirable for the legal framework currently in place for protected areas to embrace a wider variety of governance types, which may enable an expansion of protected area coverage and the strengthening of conservation in other ways?</td>
<td>See Section 8.12</td>
</tr>
<tr>
<td>Legal and other options to improve governance quality</td>
<td>Given the results of the assessment, what could be done to strengthen the legal and institutional framework currently in place for protected areas, so as to promote good governance and to ensure that they are run as legitimately, purposefully, effectively, accountably, fairly, and respectfully of rights as possible?</td>
<td>See Section 8.13</td>
</tr>
</tbody>
</table>
Chapter 8  A framework for a system of protected areas

Assessment

8.1 Listing and mapping protected areas

Step one: Specify what is meant by a “system” of protected areas in the region or country under consideration, obtain basic information on all the individual entries in the system and map them at a scale that allows their analysis as a system.

The logical first step of the assessment is the definition of what is comprised in the system. A protected area system could include all the protected areas in a region or country, or some other sub-set, such as the protected areas found in a certain landscape or forming part of a given corridor, or all protected areas supported by a particular donor, assisted by a particular NGO, etc. Even when addressing a system of protected areas for a country, the first step is to decide what to include and what not to include, keeping in mind that not all areas and natural resources that contribute to conservation fit either the national definition of protected area or international definitions (e.g., by IUCN or CBD). If the assessment addresses a national system, a good starting point will be the protected areas currently recognised by the national agency in charge, which would all ideally meet the IUCN definition of protected area. Maps of such areas are usually available in the World Database of Protected Areas.

Every country has its own history and guiding legislation to draw from and many include sub-categories of protected areas, such as areas recognised and supported directly by the federal or national government (e.g., national parks), areas recognised and supported by regional or municipal governments (e.g., regional natural parks), private protected areas, indigenous protected areas, etc. Several countries have adopted the IUCN guidance on management categories in their national legislation, and some have already done so also for the case of governance types. In other cases the “system” is less straightforward, with a number of formally recognised protected areas, possibly well-supported technically and financially, but others with unclear formal recognition and uncertain support.

Both a list of all the areas in the system and a map of their spatial distribution vis-à-vis the key biomes and ecosystems are necessary to carry out a system-wide governance assessment. For example, a map of the distribution of protected areas reveals whether the areas themselves are clustered in one main biome or broadly representative of various biomes, whether they are isolated or biologically connected, etc. For a large country, maps at different scale will be necessary to appreciate different features and relationships among the protected areas. Existing gap analyses studies may be available and particularly useful for to check the results of this step.

As noted in Section 7.4, all protected areas in the system and other spatially referenced features should be available in a computer-based GIS with the possibility of generating overlays on a Google Earth image platform with standards obtained from UNEP-WCMC. The work should have been prepared...

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324 The IUCN definition is described and examined in detail in section 1.2 of this volume. For the CBD, a protected area is “a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives”. The IUCN and CBD definitions are fully compatible.

325 IUCN recommends that countries undertake reviews to assess which areas meet the IUCN definition of a protected area, and which management category and governance type should be assigned to them (Dudley, 2008).

326 See http://www.wdpa.org/

327 Bishop et al., 2004, page 20.


329 See also http://protectedplanet.net/
in Phase 2 of the process, so that in Phase 3 the information is ready for further analysis and use. For instance, it should be possible to generate maps including all protected areas, all APIs and the overlap between them.

The official protected area system is neither likely to include all areas that are effectively conserved nor all those that should be conserved in the region or country. It can thus be safely assumed that the official coverage of protected area in the map will not perfectly coincide with “areas of particular importance for biodiversity and ecosystem services” (APIs) nor with such areas that appear to be effectively conserved. All country-specific definitions of what constitutes a protected area leave out some areas that are important for biodiversity and contribute to conservation. This was recently recognised by the CBD Parties, who stated that they aim to expand and consolidate the coverage of protected areas but also of “other effective area-based conservation measures”. The extent to which the latter are, could, or should be incorporated into a national system differs between countries and regions but has, in all cases, an important influence on how the system can or should be governed. Likely, some APIs will also be found as not being effectively conserved, or facing a risk of degradation.

### 8.2 History and culture

#### Step two: Examine the history of conservation and the cultural traits and values that played a role in the development of the system of protected areas.

The task is to identify and understand the unique historical and cultural traits, including customary knowledge, practices, institutions and values, that nourished conservation in the territories and areas that are now part of the protected areas system. Do they still contribute to conservation? Are those positively combining with on-going innovations and change? The participants in the assessment will need to retrace the development of the protected area system from the outset. For that, a specific report could be commissioned during Phase 2 of the process and delivered at the workshop in Phase 3. Participants could discuss a number of questions:

- Who was involved in developing the system of protected areas as it exists today?
- Who played in the past, and who plays today, a role in deciding what is or is not included in the system?
- What interests and concerns played a role in that?
- Are the cultural traits and values characteristic of the relevant nation and peoples highlighted by the recognition of individual sites as protected areas?
- Are their customary institutions, local knowledge and skills, stories, language and local names respected and upheld?
- Are the connections between certain natural features and local identity recognised and supported?

- Is local pride in being able to conserve some wonders of nature being nourished, in particular among the youth?
- What are the most common reasons for new sites to be included in the system?

Questions such as these can only be answered by in-depth analyses, but even a brief historical and cultural overview will help to set into perspective the range of phenomena and conditions that support or hinder conservation of nature and the development of the protected area system.

The idea of placing an area of land or sea under a special regime—from total seclusion and protection to controlled and regulated use—has a long history and has been widely adopted throughout the world. For hundreds of years, indigenous and local communities, kings and rulers, aristocrats, priests and shamans have set up what we would now call “conservation regimes”, with rules regulating or forbidding access to natural resources. The history of protected areas formally designated by sovereign States is much more recent, although many such formal protected areas overlap with, and incorporate, places that were already conserved by indigenous peoples, local communities or private landowners. In some such cases, the customary governance institutions and management systems were replaced by centralised institutions, at times leaving behind painful memories of violence, expropriation and injustice. In other cases, protected areas fully recognise the traditions and institutions of crucial importance for the culture and sense of identity of the people. And, still in other cases, the protected area has survived due to local communities and their governments working together to protect land and resources of conservation value from developers and speculators, or to recover them through restoration and management initiatives. Whatever the history, it is important to take it into account in assessing the governance of each protected area and of the overall system.

The wider political, economic and administrative history of a country as a whole is also fundamental in understanding its conservation legislation and practice. This may be dramatically affected by broad, historical trends such as: the unification of States (e.g., Germany), the break-up of formerly larger States into new, smaller ones (e.g., Sudan or Yugoslavia); processes of independence from colonial powers (e.g., Mozambique) or major political and constitutional transformation (e.g., South Africa or the former Soviet Union). The effects of such processes on protected area legislation and official conservation practices are usually well documented, but their impact on conservation by interests other than the government is less well understood. Understanding the history of what pre-existing protected areas and made biodiversity thrive in specific locations (so much so that protected areas were created to maintain it) needs patient reconstruction from a variety of accounts.

History and culture provide essential background to governance assessment and analysis as they shed light on

331 More on this in steps 8.7 and 8.8 below. See also Langhammer et al., 2007
333 In some cases, most written history about the phenomenon is found in colonial accounts and interpretations. For instance, the “conservation movement” in Africa took root among an elite patrician network of white men from Western industrialised countries around the turn of the 19th Century (Adams, 2004).
Table 10. Listing actors and institutions involved (or willing to be involved) in governing a system of protected areas

<table>
<thead>
<tr>
<th>Actors and institutions with direct responsibilities in protected area management* (name and sector**)</th>
<th>The actor or institution is hierarchically subordinated to: (name)</th>
<th>Their responsibilities include: (please tick the box where applicable)</th>
<th>Comments/ additional explanations (concerning specific role &amp; responsibility)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NATIONAL LEVEL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>REGIONAL LEVEL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LOCAL LEVEL</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Non-governmental actors (NGOs, private companies, individuals) should be considered as well. If multi-stakeholder bodies/administrative structures exist (e.g., Consultative Councils, advisory bodies, working groups), they should be listed. ** Refers to the field of activity in which the respective institution is engaged (e.g., environment, forestry, water, agriculture, tourism).

the processes by which a conservation system has evolved and continues to evolve today. An understanding of this kind will help explain customary institutions and rules for land and water management, cultural behaviours affecting nature, spiritual and religious values and other nature-related stories, legends, rituals, names etc. The conservation importance of these institutions and rules, which are often resilient in the face of socio-cultural change, is specifically recognised in CBD articles 8j and 10c and in CBD Aichi Target 18.

8.3 Actors and institutions

Step three: Identify the main actors and institutions involved in governing the system of protected areas, and those not involved but claiming a role and willing to be involved.

In the governance assessment of the system of protected areas, it is essential to appraise the spectrum of national to local holders of authority and responsibility, and their contributions to a coherent and effective system of protected areas. Tools such as Table 10, developed as part of a protected area governance study in Eastern Europe, can assist researchers to analyse the role of the actors and institutions involved at different levels. It should be possible to identify a particular Ministry, Agency or other body which is ultimately in charge. For instance, in Finland the State-owned agency Metsähallitus has a specific branch in charge of all protected areas in the country. In France, a new body was created in 2006, presided over by an elected official, to deal with all matters concerning the National Parks in both the metropolitan and oversea territories. In the USA, the National Parks Service is a Bureau of the Department of the Interior. The Bureau collaborates with Indian tribes, State and local governments, non-profit organizations, private citizens and other partners, but its director is the sole authority in charge of the federal system of protected areas. In Ecuador, the national protected area system includes i) a component directly run by the government; ii) an autonomous decentralized component; iii) a community-governed component; and iv) a private component – thus mirroring the four governance types recognised by the IUCN. The Ecuadorian National Directorate for Biodiversity of the Ministry of the Environment is responsible for implementing PoWPA and coordinating the four components.

334 Adapted from Stanciu and Ionita, 2013. This format to organise various levels of involved actors and institutions can be adapted to the context and examined in view of subsidiarity: what responsibilities could most effectively and efficiently be taken at what level?

335 Aichi Target 18 foresees that, by 2020, the traditional knowledge, innovations and practices relevant for the conservation and sustainable use of biodiversity and customary use of biological resources will be respected and integrated in the implementation of the Convention (CBD Decision X.2, Nagoya, 2010).

336 See section 2.2.

337 Another branch of the same agency is in charge of supplying wood for the country’s forest industry.

338 The administrative body, called Parcs Nationaux de France, is assisted by several Committees. There is no overall structure, however, that links that body to Regional Natural Parks and other institutions that have a bearing on conservation overall.

The CBD National Profile on the Implementation of PoWPA asks questions about the lead agency responsible for the national protected area system. Logically, a lead agency should have authority and responsibility in coordinating, overseeing and harmonising the functioning of protected areas as an effective system. In some countries, however, reporting and decision-making responsibilities are not entirely clear and/or there are discrepancies between what is intended de jure and what happens de facto. This is most often the case when a variety of government agencies (e.g., forestry agencies, universities, tourism authorities, municipal governments) can declare and manage protected areas. Lack of clarity in authority and responsibility for the overall coordination of a system that has multiple components may be a main reason why many protected areas continued to be managed as “islands”, poorly connected with their landscape/seascapes and not functioning as part of a wider national or sub-national system of protected areas. In such cases, the word “system” cannot really be applied to describe the sum of all protected areas.

CBD Parties have been invited to develop multi-sectoral committees to advise and assist the national leading agency in charge of their systems of protected areas. Not all CBD Parties have yet developed such a committee, although many report to have done so. Too often, however, the committee includes few, if any, civil society organisations. More commonly, it includes a range of governmental agencies, some bilateral and multilateral cooperation agencies and some conservation NGOs. In a few cases (e.g., Angola, India) it includes only governmental agencies. In others (e.g., Kyrgyzstan, the Philippines) it includes governmental agencies and representatives of university and research bodies nominated by the government and/or some business representatives (e.g., Egypt, Laos). In only a few cases (e.g., Solomon Islands, Sudan, and Trinidad and Tobago) do the listed members include representatives of local communities living in and around protected areas.

The governance assessment should ask whether the rightsholders and stakeholders that are affected by protected areas are fairly represented in the bodies and agencies that oversee the protected area system. If not, they may be able and ready to do so; and in particular, there may be scope to involve sectors that are often excluded from decision-making about protected areas, such as women, the youth, indigenous peoples, and rural communities. Engaging representatives of civil society in the protected area multi-sectoral committee, and involving that committee in the governance assessment and evaluation process, is a sure way to promote citizens’ involvement in the implementation of the PoWPA.

8.4 Governance de jure

Step four: Specify the governance types that can be recognised de jure for the individual protected areas within the system.

National legislation and policies are an obvious point of departure for this step of the assessment, and it should be possible to identify the type of authority and responsibility that is legally recognised for protected areas. Note that marine and terrestrial environments are often subjected to different legal regimes and a system of protected areas should be able to deal with their interplay and any potential conflicts between them. Even within the same biomes, the boundaries of governance across legislative instruments and agencies may not always be clear and what happens on the ground may not always reflect the legal intention. So it is important to consider the de facto influence that different institutions and social actors may play.

As noted in Part I of this document, four governance types of protected areas are recognised by the IUCN. The analysis thus addresses here whether the relevant legislation (e.g., protected area law and/or environmental law) and policies of the country are geared for the recognition of all such governance types. It was noted in Part I that Types C and D, i.e., the areas conserved because of the will of their landowners and caretaker indigenous peoples and local communities, can exist independently of government recognition and support. In

341 See section 1.4.
342 Many such reports are available at http://www.cbd.int/
343 Lausche, 2011.
some countries, such voluntary governance types can be fully recognised as part of the country’s protected area system. In others, there is still no legal option to do so. And, in others again, the situation may be fluid and subject to interpretation. Where official recognition is not available, voluntary protected areas could still be considered to contribute to the national PoWPAn and count for the purposes of CBD Aichi Target 11 \(^{345}\) as “other effective area-based conservation measures”.

As for Step 8.2, a report should be commissioned on the legal framework for protected areas during Phase 2 of the process and delivered at the workshop in Phase 3. The workshop would then provide an excellent occasion to open up a dialogue regarding possible modifications of legislation and policy that would allow the formal recognition of voluntarily conserved areas and measures to recognise and secure the contributions of ancillary conservation under a variety of governance regimes. This could mean recognising such areas as protected areas, where they meet the IUCN definition, or providing them with other supportive measures. In general, it would be useful to determine whether existing legislation and policy can explicitly provide some form of recognition and support to:

- shared governance of protected areas (see Section 3.2 for details);
- privately conserved areas (see Section 3.3 and Section 5 for details);
- customary governance systems of indigenous peoples and local communities concerning their conserved territories, areas and natural resources (see Section 3.4 and Section 5 for details);
- ancillary conservation (see Section 5).

### 8.5 IUCN Protected Area Matrix analysis

**Step five: Confirm that all protected areas in the system meet the IUCN definition and then associate a governance type and management category with each of them, and situate them in the IUCN Protected Area Matrix.**

In most cases the areas in the system will have already been examined to establish if they conform to the IUCN definition of a protected area. But if this has not been done, the first task is
Table 12. Management categories versus governance types for the system of marine and coastal protected areas in Ecuador

<table>
<thead>
<tr>
<th>Tipos de gobernanza</th>
<th>A. Gobernanza por parte del Gobierno</th>
<th>B. Gobernanza compartida</th>
<th>C. Gobernanza privada</th>
<th>D. Gobernanza por parte de pueblos indígenas y comunidades locales</th>
</tr>
</thead>
<tbody>
<tr>
<td>Categoría de áreas protegidas en el SNAP</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reserva Ecológica</td>
<td>Ministerio o Agencia federal o nacional a cargo</td>
<td>Gobernanza delegada por el gobierno (por el, a una ONG)</td>
<td>Gestión transfronteriza</td>
<td>Gestión conjunta (consorcio de gestión)</td>
</tr>
<tr>
<td>Parque Nacional</td>
<td>Ministerio o Agencia subnacional a cargo</td>
<td>Gobernanza delegada por el gobierno (por el, a una ONG)</td>
<td>Gestión transfronteriza</td>
<td>Gestión conjunta (consorcio de gestión)</td>
</tr>
<tr>
<td>Refugio de Visa Silvestre</td>
<td>Ministerio o Agencia subnacional a cargo</td>
<td>Gobernanza delegada por el gobierno (por el, a una ONG)</td>
<td>Gestión transfronteriza</td>
<td>Gestión conjunta (consorcio de gestión)</td>
</tr>
<tr>
<td>Reserva de Producción Faunística</td>
<td>Gestión negociada por el gobierno (por el, a una ONG)</td>
<td>Gestión transfronteriza</td>
<td>Gestión conjunta (consorcio de gestión)</td>
<td>Gestión compartida con IUCN y otras organizaciones (por el, a una ONG)</td>
</tr>
<tr>
<td>Reserva Marina</td>
<td>Gestión negociada por el gobierno (por el, a una ONG)</td>
<td>Gestión transfronteriza</td>
<td>Gestión conjunta (consorcio de gestión)</td>
<td>Gestión compartida con IUCN y otras organizaciones (por el, a una ONG)</td>
</tr>
<tr>
<td>Área Nacional de Recreación</td>
<td>Gestión negociada por el gobierno (por el, a una ONG)</td>
<td>Gestión transfronteriza</td>
<td>Gestión conjunta (consorcio de gestión)</td>
<td>Gestión compartida con IUCN y otras organizaciones (por el, a una ONG)</td>
</tr>
<tr>
<td>Acuerdo de usos del manglar</td>
<td>Gestión negociada por el gobierno (por el, a una ONG)</td>
<td>Gestión transfronteriza</td>
<td>Gestión conjunta (consorcio de gestión)</td>
<td>Gestión compartida con IUCN y otras organizaciones (por el, a una ONG)</td>
</tr>
<tr>
<td>Reservas Pesqueras</td>
<td>Gestión negociada por el gobierno (por el, a una ONG)</td>
<td>Gestión transfronteriza</td>
<td>Gestión conjunta (consorcio de gestión)</td>
<td>Gestión compartida con IUCN y otras organizaciones (por el, a una ONG)</td>
</tr>
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</table>

The exercise separately for terrestrial and coastal and marine protected areas, filling two matrices. When many protected areas are involved, it may also be practical to prepare a matrix for each region rather than only one for the whole country.

Table 11 illustrates the results of the exercise for the terrestrial protected area system of Albania. Table 12 presents a similar exercise for the marine and coastal system of Ecuador, but uses a national classification rather than the IUCN categories. In both cases the completed matrix is unevenly populated.

Once the exercise is completed, it becomes apparent which parts of the IUCN Protected Area Matrix are well populated and which are empty or nearly empty, thus showing which governance types are actually adopted as part of the system. The exercise may also reveal which governance type is associated most frequently with certain types of areas and resources (e.g., small and iconic natural monuments; extensive and economically valuable resources; only terrestrial or only coastal and marine areas).

346 Adapted from Gravez et al., 2011. Please note that the management categories do not exactly correspond to those of the IUCN. The numbers in the Matrix refer to specific protected areas described in the document.
348 The IUCN is developing standards on the process for recognising protected areas and assigning management categories and governance types (Peter Shadie, personal communication, 2012).
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8.6 Spatial analysis of governance for protected areas

Step six: Use the map of protected areas to distinguish the governance types and identify their distribution patterns and associations.

The more uneven the distribution across the IUCN Protected Areas Matrix, the more important it is to understand why this is the case. Once the exercise is complete, the workshop participants may be asked to find answers to questions such as:

- If some columns are entirely empty, is it because the main actor behind that governance type (e.g., the private sector for Type C, or communities and indigenous peoples for Type D) is not engaged in conservation?
- Or is it that such governance type cannot be recognised under existing legislation and policy (see Step 4)?
- Or is it because no appropriate incentive has been offered so far?
- Or is it because the concerned actors do not know about the opportunity and implications of having an area recognised as protected?
- Or is it because the concerned actors do not wish their areas to be recognised as part of the official protected areas system?

Answers to such questions may generate ideas for improving the comprehensiveness and diversity of the system.

349 While the participants in the governance assessment workshop may also wish to discuss management categories, they should focus preferentially on governance types.
These kinds of maps are now being prepared in some countries, such as Mexico (see Figure 8), though they seem easier to use when the information on them is not too crowded.\(^ {350} \) A computer programme that creates maps with one or a few features at a time would greatly help in the analysis. Figure 9 illustrates another way in which various governance types and other management characteristics can be shown, i.e. symbols are used, rather than colours, to indicate the different governance characteristics of each site.

8.7 Listing, mapping and conservation status of APIs

**Step seven: Identify and map “territories and areas of particular importance for biodiversity, ecosystem functions and other associated values” (APIs) for the region or country under consideration and examine both their overlap with protected areas and their conservation status.**

A range of information will have been assembled during Phase 2 of the process, and should be made available in Phase 3 for analysis. This information should record biodiversity, ecosystem functions and other associated values that exist in the area under consideration, both within and outside the protected area system. The information should pull together existing lists and maps of Key Biodiversity Areas,\(^ {351} \) Important Bird Areas, Important Plant Areas, Prime Butterfly Areas, Important Mammal Areas, Important Sites for Freshwater Biodiversity, habitats of species listed as endangered in the IUCN Red List, etc. Data regarding distribution of endemic species and/or globally threatened species would be particularly valuable, including unique nesting and feeding sites and maps of major biomes and representative ecosystems, as well as connectivity corridors.\(^ {352} \) Lists and maps of groundwater, watersheds and wetlands, coral reefs, spawning grounds and other features essential for ecological functions as well as valuable landscapes/seascapes and natural features are also important. Finally maps and other information on cultural values are required. For example, data on cultural and linguistic diversity and data on the territories of both sedentary and mobile indigenous peoples will help identify areas where ecological and cultural values appear to overlap.

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\(^{350}\) Including on the same map all the information on numerous governance types and subtypes (e.g., ecosystem-related subtypes or international designations not uniquely related to governance types, such as Ramsar sites or biosphere reserves) may make it too complex to be useful.

\(^{351}\) See Langhammer, et al., 2007 and other references therein.

\(^{352}\) Bennet, 1999.
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Figure 10. Grids of different colours to characterize areas of different ecological sensitivity and value in Goa, one of the regions in the Western Ghats of India (increased sensitivity from violet blue to green, yellow and red). Protected area borders are drawn in red. (Ministry of Environment and Forests of India, 2011).

Figure 11. The overlap among forested areas, Important Bird Areas, the National Protected Areas System, the Traditional Territories of Indigenous Peoples (mostly unrecognised by the government) and the Indigenous Reserves in Taiwan, Province of China (agreed by the government as areas where indigenous peoples have some territorial rights). Map prepared in 2013 by Dr. Huei-Chung Hsiao with help from Sutej Hugu and data from the Centre for GIS of the Research Centre for Humanities and Social Sciences of the Academia Sinica of Taiwan; the Council of Indigenous Peoples, Executive Yuan; the Geography Department of the National Taiwan University; and the Wild Bird Federation of Taiwan.

The boundaries of APIs need not be mapped with great precision in exercises of this kind, but can simply be assigned grades on a grid superimposed on a map of the territory that includes existing protected areas, as had been done for the Western Ghats in India (see Figure 10). Such rapid approaches are gaining recognition and can be useful in developing land use plans broadly compatible with the conservation of ecosystems, species and associated values.

Often, APIs are found to overlap with protected areas (some protected areas may actually have been designed to coincide with APIs: see Figure 11). But almost certainly other such areas will fall outside them, even if they have been identified through gap analyses and other tools of conservation planning. For example, many Key Biodiversity Areas shown on the Biodiversity Plan of Central Karoo (South Africa) are outside protected areas (see Figure 12); in this case, once it became clear that much precious biodiversity was unprotected, laws were passed to enable land-owners and managers to cooperate in conserving biodiversity.

The participants in the workshop should first examine the overlap between protected areas and APIs, and ask whether protected areas effectively conserve the latter. They should then assess whether APIs are effectively conserved outside protected areas. It may not be easy to determine whether this is the case. A crude measure of ecosystem health may be obtained through Google satellite imagery, or through reports and maps of areas described in the literature as neither degraded nor particularly vulnerable or under threat. Ideally, however, local studies and recent “ground truth” observations will also be used. There are many reasons why effectively conserved areas may go unrecognised, or are not included in the protected areas system. They should however be identified and mapped, as they contribute to overall conservation efforts.

353 See IUCN Resolution 5.037 approved by the Vth World Conservation Congress, Jeju (Korea), 2012. In a similar vein the European Union is promoting a “green infrastructure” throughout the Union.

354 See Jennings, 2000; Margules and Pressey, 2000; Langhammer et al., 2007. Examples for South Africa are illustrated in Sandwith et al., 2009 and Cadman et al., 2010.

355 See Cadman, et al., 2010. In the Cape Floristic Region of South Africa land-ownership and governance is very varied, and often so at the fine scale. Conservation planning methods, nevertheless, identified priorities across the landscape and defined broad conservation corridors. To secure the integrity of such corridors, multi-stakeholder forums conducted area-wide planning, enabling core areas and linkages to be agreed among diverse conservation, agriculture and development interests. Multi-stakeholder bodies were also set up to help rightsholders and stakeholders to cooperate at the landscape scale.
8.8 Active damage and risk analysis for APIs

**Step eight:** In the spatial map of APIs, identify and map phenomena that currently damage or threaten biodiversity, ecological functions and associated values.

There are many well documented threats to nature: pre-eminent are habitat change, over-exploitation, pollution, invasive species and climate change. Sometimes these already damage natural areas; sometimes they loom on the horizon. Understanding whether and how these phenomena relate to governance issues is an essential part of the governance assessment.

Data to assess damage and threats can be gathered from land use maps, which show current and intended use for urban development, agriculture, forestry, transport infrastructure, industry and mining. Google satellite imagery, existing literature and direct observation can add to that. And more information on impending threats can be gathered from local, regional and national development plans (e.g., infrastructure development, settlement plans) and from maps detailing the concessions signed by governments at different levels (e.g., for timber, for exploration and exploitation for oil, gas and mining, and major fisheries agreements). As for other preceding steps, data would best be collected and digitised in Phase 2 of the process.

Data describing active damage or serious impending risk needs to be mapped at the same scale as the maps of protected areas and APIs, so that overlays can be generated. In addition, over-arching threats may exist, such as sudden political change (e.g., the opening up to private investors and developers that followed the fall of communist regimes in Eastern Europe) and climate change. The initial associations rapidly identified through overlays may not be complete or precise, but they will still help to identify areas that cannot be considered as effectively conserved.

The workshop participants should investigate whether there are APIs, both within and outside protected areas, that are currently being damaged or under threat. This exercise should throw some light on the comparative conservation effectiveness of protected areas and other area-based measures. APIs that are affected by damage and threats should of course be prime targets for restoration and active protection, for instance through local action or specific policies. An exercise in India along the lines of steps 6, 7 and 8 here led to recommendations of this kind.

The maps generated through the exercise can be used as powerful lobbying tools for conservation and human rights. An example is illustrated in Figure 13, one of many maps to illustrate how mining concessions in the Philippines appear incompatible with ecosystem functions and the conservation of local biological and cultural diversity.

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355 SCBD, 2010.
357 One should always check that the land use maps reflect real land use and not planned land use.
358 A methodology to assess site-based vulnerability for Important Bird Areas has been developed by Birdlife International on the basis of a list of threat classes such as: agricultural expansion and intensification; residential and commercial development; energy production and mining; transportation and service corridors; natural system modification; pollution and others. Site-based vulnerability is determined on the basis of a combination of assessed timing, scope and severity of threats (BirdLife International, 2006).
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Sustainable Development and Extractive Industries in Tampakan, South Cotabato, Philippines
Highlighting environmental impact and potential threats to biodiversity

Figure 13. One of the posters in a series that illustrates overlaps between incompatible land uses, such as mining and watershed conservation to provide water for food production (series prepared and diffused by Kail Zingapan and Clive Wicks; see also Goodland and Wicks, 2008).

8.9 Spatial analysis of governance for APIs

Step nine: On the map of APIs, distinguish the governance types, and identify the distribution patterns and associations that may emerge.

The governance assessment for a protected area system needs to be complemented by a similar assessment for places outside the system, in particular for APIs. This analysis can be challenging as governance data are often difficult to assemble and may vary at a fine scale. However, a first approximation analysis can be made on the basis of land ownership and other tenure and use data, such as land owned by the State, demarcated territories of indigenous peoples, community forests and municipal land. Using ownership, tenure and other information relating to the exercise of control over resources, it should be possible to ascribe to such valuable areas one of the four broad governance types adopted for protected areas. Thus Type A could be selected if the area is under sole government control, such as a national forest; Type B if it is owned by the national government but occupied and used by various rightsholders and stakeholders; Type C if it is privately owned; and Type D if it is an indigenous territory or under the collective control of a local community, irrespective of ownership. A colour-coded grid or different symbols could be used to superimpose this information on each API.

The next step is to establish whether the governance types applicable to such areas appears to correlate with any other characteristics (e.g., being close to a national border; being in a sparsely inhabited area; being formally protected; being well conserved; being under threat). Is any governance type preferentially associated with effective conservation of APIs within the protected area system? Is any governance type preferentially associated with those that appear effectively conserved outside protected areas? And generally is any governance type better at protecting natural values from damage and threats?
Analyses of this kind in the Philippines revealed that a large part of Key Biodiversity Areas in the country is included in the Ancestral Domains of its indigenous peoples (see Figures 14 to 16), and identified the effective role of these domains in ensuring the integrity of watersheds and waterways.\(^{360}\) This convinced the Government that Ancestral Domains (4.3 million hectares) are essential for the conservation of Key Biodiversity Areas in the country (10.6 million hectares)— conservation that could not possibly be achieved by official protected areas alone.\(^{361}\)

The workshop participants should discuss their findings in detail because this is the moment at which many interesting insights may emerge. For instance, some large, effectively conserved natural areas outside protected areas may be under military “no-go” regulations enforced for security reasons, and biodiversity may be thriving there as an unintended consequence of isolation and lack of use. Others may be included in the territories of indigenous peoples and run collectively by their customary institutions. For some large ecosystems, such as a major waterway, many institutions and social actors may have agreed on management purposes and regulations that have ancillary conservation results. Others may be under private or community ownership, with conservation resulting from effective surveillance, or careful exploitation of economic potential (e.g., in conservancies, group ranches and private reserves). Still others may have been acquired by NGOs specifically to be managed for conservation.

The questions to understand are:

- **Who governs the APIs?**
- **How are they governed?**
- **Is that governance associated with effective conservation?**

Much information may come to light from examining the situation of the territories of indigenous peoples, which often have important overlaps with both APIs and protected areas. Figure 11 illustrates this well for the case of Taiwan (Province of China), where the overlap is remarkable. There is no legal recognition of indigenous territories, however, but only of the less important “indigenous reserves”.

In the next page, Figure 17 illustrates the overlaps between the areas under the collective governance of indigenous peoples (Tierras Comunitarias de Origen, or TCOs) and the national system of protected areas of Bolivia. The TCOs generally include high biological and cultural/linguistic diversity within but also outside official protected areas.
Figure 17. Overlap between the national system of protected areas of Bolivia and the traditional territories of indigenous peoples, which generally include high biological, cultural and linguistic diversity within but also outside official protected areas. Map provided by Gustavo Zambrana and produced by CEDIB, Bolivia, 2012 (Zambrana and Maturana, 2008).

8.10 Governance quality

Step ten: Assess whether the system of protected areas is subject to any “good governance” requirement, and whether any specific principles were followed in developing and governing the system.362

Besides investigating whether relevant legislation and policies formally recognise different governance types (Step 4), the workshop participants should examine whether they include provisions to ensure “good governance, whether for protected areas or in general. For example, most countries support some type of human rights legislation and all nominally support the UN Declaration on the Rights of Indigenous Peoples. In addition, dozens of countries, from Sweden to USA, UK, Romania and India, have legislated some kind of “Freedom of Information Act” that ensures access to official documents of broad interest to the public. Since 1998, many European countries have also ratified or accepted the Aarhus Convention.363 Checklist 2 includes a number of questions designed to discuss relevant issues.

Besides specific requirements in legislation and policy, there are also principles and criteria that can be adopted to set governance standards in relation to a system of protected areas. A set of widely agreed principles forms the kernel of what the IUCN recommends as “good governance” of protected areas: Legitimacy and voice, Direction, Performance, Accountability and Fairness and rights. These are described in Section 6.

362 If the Phase 3 of the overall process is carried out in separate workshops, a workshop may end with Step 3.9 and another begin with 3.10.

363 The Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters was developed by the United Nations Economic Commission for Europe and opened for signatures in Aarhus (Denmark) in 1998.
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Checklist 2. Provisions to ensure “good governance” of protected areas

Right of access to information. Is there a legal requirement to have key protected area information (e.g., designation, roles, responsibilities, vision and key objectives, boundaries and zones, management plans, budgets, progress, achievements) made available in a transparent way (on a website, via public reports, newsletters or other) to the public or to some rightsholders and stakeholders in particular?

Right of public participation in decision-making. Are there clear requirements in the legislation for the consultation and/or engagement of rightsholders and stakeholders in the management of the protected area, e.g. through multi-party bodies in charge of advising, taking decisions, etc.? Are there agreed guidelines detailing the procedures for involving rightsholders and stakeholders? Are there measures to prevent any form of discrimination? Are there legal requirements to consider/integrate public opinions in the final decision or to reach a consensus with key rightsholders and stakeholders? Is there a requirement for any specific mechanisms to ensure that (e.g., majority of votes, unanimity system, need for approval to take decisions)?

Respect of legal and customary, substantive and procedural rights. Are there legislative provisions for the respect of legal and customary rights that pre-existed the establishment of the protected areas? Are rightsholders enabled by law to maintain their rights (e.g., the right to live in an ancestral territory, the right to own and access natural resources)? If not, are there compensatory mechanisms to minimise the negative impact of the protected areas? If relevant, is there a specific mention and special treatment for the rights of indigenous peoples? What is the role of rightsholders in the protected area management, according to the law? Are rightsholders able to be involved in the design, establishment, planning and management of the protected area?

Vision, performance and accountability. Have the protected area authorities an obligation to develop and follow a long term, strategic vision for protected areas? Are there mechanisms in place (e.g., monitoring, control) to ensure that actions are consistent with the vision and objectives for the area? Is there a legal requirement and a system in place to assess management effectiveness? Does this involve rightsholders and stakeholders? Are the results to be made available to the public? Are protected area managers (including delegated actors) made accountable for their work, including through legally-required procedures for participation and transparency?

Access to justice on environmental matters. Is there some person or institution prescribed to carry out conflict management for matters concerning the protected areas? Are people legally ensured access to justice to solve their concerns in case of need?

Box 12 Accountability framework for Parks Canada

Parks Canada reports to the Minister of the Environment who is, in turn, accountable to Parliament, and thus to the Canadian electorate. It is required by law to produce system plans and management plans, yearly reports and, every two years, a State of Protected Heritage Areas Report. This report assesses the ecological and commemorative integrity of Canada’s heritage places, services offered to visitors and progress in establishing new sites. A sustainable development strategy is prepared every three years, outlining Parks Canada’s efforts to integrate environmental, economic and social factors in its work.

As a further accountability measure, a Citizens Roundtable is convened every two years to advise the minister on the performance of the agency. The minister must respond within 180 days to any written recommendations submitted by the Roundtable. A further formal way for citizens to speak their mind is through the environmental petitions process managed by the Auditor General of Canada. Federal ministers who receive petitions must respond within 120 days of receiving the petition.

364 Some of the issues examined in this box draw from Stanciu and Ionita, 2013.

365 Bontini-Feyerabend et al., 2006.
Different countries and peoples should determine whether and how these principles apply to their own situations, and for the governance of protected areas in particular. The exercise is relatively easy when one or more such principles are inscribed in the Constitution or relevant legislation and policy. For instance, Canada has established that its protected area systems must follow a principle of “accountability” (see Box 12 in the preceeding page).

The participants in the workshop may begin to assess governance quality for the system of protected areas by keeping in mind the IUCN principles of good governance listed in Table 8 throughout the whole assessment methodology. This will bring to the fore such issues as: system coordination; respect for existing rights; adherence to the rule of law; fairness in promoting participation, distributing resources and enforcing rules. Tools and indicators to assess governance quality will help to assess how authority, responsibility and accountability for protected areas are exercised vis-à-vis good governance principles (See Annexes 2 and 3). 366

Evaluation

8.11 Governance options to strengthen the system of protected areas

Step eleven: Pull together the understandings and lessons developed through the assessment steps and evaluate the governance options to consolidate, strengthen and expand the system of protected areas in the region or country under consideration.

In the evaluation, the participants draw results from their assessment (Steps 1-10) and develop recommendations for action. They should ask themselves a number of questions and agree on broad answers:

- Is the existing governance system for protected areas effective, efficient and equitable in delivering conservation and other benefits (such as sustainable livelihoods, cultural values and social cohesion)?
• If yes, what seems to enable effectiveness, efficiency and equity?
• If not, or not sufficiently, what are the key impediments?
• Is the system well accepted in society? Do most people appreciate protected areas? Or do they resent them?
• Does the system appear capable of withstanding change (e.g., ecological, economic and social change)?
• What are the overall strengths and weaknesses of the system?
• Are there opportunities for improvement? If so, what specifically should improve, and how?
• Is there visible damage to the system or some specific protected areas, or are there looming threats? How can those be remedied, prevented or mitigated?

From the spatial analysis, the workshop participants should have acquired a sense of how biodiversity, ecosystem functions and other associated values are governed. They should also be able to understand whether certain governance types are associated with geographical, ecological or socio-economic characteristics; whether they deliver effective conservation or are associated with damage and threats; and whether further investigation or research is needed. In short, the workshop should have revealed where this is any opportunity to diversify and improve governance, both of protected areas, and generally of APIs, so as to consolidate, strengthen and expand conservation.

About APIs, these are the kinds of questions that the workshop should be able to answer:

• Some—but not all—of the APIs which are outside protected areas may appear to be effectively conserved and could meet the IUCN definition of a protected area. Would it be desirable and feasible to add a further layer of protection by including them in the national system of protected areas?
• Other such effectively conserved areas may simply be governed as voluntary or ancillary conservation but have no chance or no wish to be included in the national protected area system. What kind of recognition and support could be provided to them as an incentive to maintain and strengthen conservation?
• When APIs are found to be damaged, what would be the best governance options for their restoration?
• When they face serious risks, what governance options would prevent, or buffer against, such risks?
• And finally, for all types of protected areas and APIs, could better quality of governance improve the chances for management effectiveness and ecosystem resilience?

Thus the evaluation helps to identify opportunities to expand a protected area system, diversify governance types and improve governance quality.

The evaluation may also show how coordination and decision-making could be improved. This may require new governance levels or even new institutions, or the re-organisation of existing ones, working for example at an “ecosystem scale” rather than with administrative units only. Such was the far-reaching recommendation of the expert analysis recently carried out in India for the Western Ghats, a major ecological feature of the Indian peninsula. The analysis proposed that an “ecology authority” be created for the whole Western Ghats and be given jurisdiction over relevant environmental legislation, the power to approve industrial developments and major infrastructures, and coordinate land use planning, and the duty to secure the rights of the least powerful. Any proposed activity that could have an adverse impact on ecology and society would have to be submitted for approval to this governing authority, which would act at a broad landscape scale, far larger than individual protected areas.

8.12 Legal recognition of diverse governance types

Step twelve: Evaluate the legal and institutional framework and its capacity to embrace diverse governance types for protected areas and provide recognition and support to APIs not included among protected areas.

The workshop participants should have gained a good understanding of the range of interests involved in protected areas, and other APIs, through earlier steps in the process. This may well have brought to light the existence of groups and institutions, such as private and corporate landowners, NGOs, religious bodies, universities, rural municipalities, the military, indigenous peoples and local communities, whose contribution to conservation has previously gone unrecognised. Some of the areas that they protect de facto may be good candidates to be recognised as protected areas and incorporated into the protected areas system. However, not all owners and caretakers of such areas will welcome such formal recognition, especially if this will erode the authority and responsibility they have at present. The workshop participants may thus wish to explore whether the existing legal framework for protected areas, and the forms of recognition and support available for APIs in general, are flexible enough to accommodate a variety of situations.

It should not be assumed that all territories and natural resources that are effectively conserved have to be recognised as part of a national protected area system. In fact, they could well remain as part of what CBD refers to as “other effective area-based conservation measures” and continue to play an important role for conservation, acting in support of protected areas. However, the assessment may have shown that this would expose them to the risk of greater damage and threats to biodiversity.
from external pressures. So whether they are within or outside the system of protected areas, APIs require flexible and appropriate forms of recognition and support.

These are the kind of questions that might be asked about an API that is not yet recognised as a protected area:

- Does the area meet, or could it meet, the IUCN definition of a protected area?
- Would there be any ecological, social or economic benefit if the area were recognised as part of the protected area system? What specific benefits would accrue and for whom?
- Would there also be obvious or more subtle problems or disadvantages of recognition? Specifically what and for whom?
- Would the current owners or custodians of the area wish it to be recognised as a protected area? Why?
- Can the protected area system embrace the protected area under the governance type that it possesses at the moment?
- If not, would policy or legislative reform make that possible?
- Has the protected area system the institutional, human and financial capacity to expand and embrace more protected areas?
- What types of recognition and support exist to conserve APIs outside the system of protected areas?

Through such questions, participants can move from an understanding of what exists to an awareness of what could be improved. Some real examples will illustrate the point.

Figure 18 shows the IUCN Protected Area Matrix completed for Madagascar in 2003. This was when Marc Ravanolamana, then President of Madagascar, told the Vth IUCN World Parks Congress in Durban that his country was going to triple the amount of land under official protected status, to a total of 6 million hectares.

Soon after the declaration it became apparent that the President’s ambitious vision could not be secured through existing types of protected areas alone. If Madagascar wanted to expand its protected area coverage, it needed many new protected areas and to extend existing ones; and this was not possible within the narrow definition of protected areas provided for in the National Protected Area Code (COAP). After a long process involving numerous consultations and negotiations under the leadership of a dedicated national Commission, a new COAP was adopted in 2008, providing the appropriate tools to realise the vision. In particular, the new COAP adopted the four IUCN governance types as all equally legitimate within the national system. The National System of
Figure 19: The IUCN Protected Area Matrix highlighting in orange the combinations of IUCN management category and governance type that can be recognised as part of the Malagasy Protected Areas System in 2013.

Protected Areas of Madagascar can now reach its ambitious target, and new protected areas are being established in the country in nearly all combinations of categories and governance types, as shown in Figure 19.369

Colombia possesses progressive legislation on the rights and responsibilities of its indigenous peoples vis-à-vis natural resources, with important implications for protected area law and practice.370 For example, in 2010 Colombia was able to establish a new protected area named Yaigojé Apoporis in part of the territory governed by traditional authorities from the Macuna, Tanimuca, Letuama, Cabiyari, Barazano, Yújip-Macu and Yauna peoples. As a government-recognised protected area, this territory is now protected from mining exploitation which is exactly what the indigenous peoples wanted and why their leaders agreed to accept the “protected area” label. Some members of their communities, however, resent the agreement as their customary territory, which used to be an ICCA fully governed by them, is now under a shared-governance arrangement371 with the national protected area agency.

Under current legislation in Colombia, ICCAs cannot be recognised as part of the national protected area system while maintaining their collective governance by the indigenous peoples or Afro-Colombian communities, even though such peoples or communities possess collective ownership rights over the relevant land and resources. Many ICCAs exist throughout the country but, if they wish to prevent mining prospecting and exploitation,372 they need to accept some government involvement with their governance and management practices. As many ICCAs are not ready for that, the protected area system of Colombia is more limited than it could be. In other words, Step 7 in the governance assessment process for the protected areas system of Colombia is likely to show many Type A and Type B protected areas, but none of Type D. Undoubtedly, however, there are many APIs that are effectively conserved and fit Type D. Thus the official protected area system of Colombia is less diverse than it could be. If the legislation of the country were changed so that official protected areas could also embrace governance Type D, more ICCAs might be inclined to become part of the national system and acquire a stronger level of protection and security.

Ynys-hir, in Wales, UK, is a rich woodland and bird reserve in the estuary of the river Dyfi, owned by the Royal Society

370 The indigenous peoples of Colombia have full collective authority on land and resources on their customary territories (resguardos), as do the local communities of Afro-Colombian descent (van der Hammen, 2003). However, while the former can be granted by the national authorities a “special management regime”, the latter must first develop a management plan and then apply for a “use and management agreement”.
371 Yaigojé Apoporis National Park is under government governance, but a special management regime is being developed with the relevant indigenous peoples (Paula Andrea Bueno, personal communication, 2012).
372 Under Colombian law, sub-soil resources are not governed by land owners. This is true for both private landowners and collective landowners, such as the indigenous peoples who have collective authority over their resguardos.
8.13 Improving governance quality

Step thirteen: Evaluate whether the legal and institutional framework for protected areas is suited to promote good governance and how the protected area system can be governed as legitimately, purposefully, effectively, accountably, fairly, and respectfully of rights as possible.

The IUCN good governance principles should be kept in mind throughout all the steps of the assessment methodology, and specifically addressed at Step 10 when examining national legislation for the protection of various rights. As a result, the participants should be able to draw conclusions in terms of desirable legal improvements in matters such as access to information, public participation in decision-making, respect for rights over land, water and natural resources that pre-existed the protected areas, and access to justice on environmental matters. These would be major recommendations, and require political and social support in order to be followed.

Participants may also wish to pursue less ambitious and possibly more realisable recommendations to improve governance in the actual functioning of the system of protected areas. For that, they could pursue a group exercise as described in Annex 2. The exercise is designed to help establish whether the IUCN principles of good governance are respected in the everyday functioning of the protected area system. There are five sets of questions that can be posed and answered by the workshop participants. These questions are not exhaustive and are offered as a point of departure for discussing each good governance principle. If necessary, the participants should recommend the action needed to rectify shortcomings.

More tools, indicators and examples are available in the literature in Annex 3 and in Section 10 of this volume.

Readers concerned only with the assessment and evaluation of a system of protected areas should now move to Section 10, which offers tools and ideas to complete Phase 3 by developing a strategic plan to tackle governance problems and opportunities.

373 Some women are outspoken in demanding a clear sense of purpose as well as fairness and transparency in the governance of natural resources, © glf, Casamance (Senegal), 2009 and Guatemala, 2013.

374 Available at www.iucn.org/pa_governance


376 Available at www.iucn.org/pa_governance