

GOVERNANCE AND PROTECTED AREAS AND INSTITUTIONS IN THE MEDITERRANEAN REGION

Governance and Protected Areas: the Vision to Durban

Abstract of presentation by:

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Governance and protected areas

Governance of protected areas cannot be considered in isolation from contemporary thinking on governance issues generally or from the international debate on ‘good governance’ that has been vigorously pursued in other fora.

What is governance?

Governance is about results and no one size fits all.

Governance is the means by which society defines goals and priorities and advances cooperation; be it internationally, regionally, nationally or locally. Governance arrangements are expressed through legal and policy frameworks, strategies, and action plans; they include the organizational arrangements for following up on policies and plans and monitoring performance. Governance covers the rules of decision-making, including who gets access to information and participates in the decision making process, as well as the decisions themselves.¹

It has also been described as fundamentally about “power, relationships and accountability: who has influence, who decides, and how decision makers are held accountable”.²

Most fundamentally, governance is the means to an end, not an end in itself.

The Johannesburg World Summit on Sustainable Development and governance

There has been a growing consensus that ‘good governance’ reforms - including democratic institutions that encourage participation in policy development and decision-making, transparency and accountability, devolution of authority, adequate legal and regulatory frameworks, and a functioning and independent judiciary - improve sustainable development

¹ See IUCN Position Paper: Governance for Sustainable Development, May 2002

² See ‘Governance Principles for Protected Areas in the 21st Century’, Institute on Governance in collaboration with Parks Canada

outcomes. This is reflected within the Political Declaration and the Johannesburg Plan of Implementation³ that came out of the WSSD.

The clear focus of the WSSD was on implementation, and in particular on taking “concrete actions and measures at all levels” to implement Agenda 21.

‘Good Governance’

States committed themselves to “good governance at all levels and the rule of law” through the Monterrey Consensus and “to promote democracy and strengthen the rule of law” through the UN Millennium Declaration.

The Johannesburg Plan of Implementation described good governance as being “essential for sustainable development”.

The importance of “good governance” was agreed to in the Plan of Implementation (and other agreements) in the context of the overall negotiations on the text. It needs to be noted that the text also recognizes the gap between developed and developing countries and “the continued need for a dynamic and enabling international economic environment supportive of international cooperation, particularly in the areas of finance, technology transfer, debt and trade, and full and effective participation of developing countries in decision making...”.

Capacity building

A common theme of the Johannesburg Plan of Implementation⁴ is the critical importance of capacity building. This is linked directly to good governance as building the capacity of institutions and people, in particular at the national level, is seen as necessary for achieving good governance and hence sustainable development.

The Johannesburg Plan of Implementation also recognizes that the Plan “will require significant increases in the flow of financial resources as elaborated in the Monterrey Consensus, including through new and additional financial resources, in particular to developing countries...”, including for capacity building.

Governance challenges

The Johannesburg Plan of Implementation incorporated several approaches to advancing implementation of Agenda 21 that present significant governance challenges. These include the references to:

- ❑ Taking an ecosystem based approach;
- ❑ Managing water resources at the river basin level;
- ❑ Managing surface and ground water in an integrated fashion;

³ Which sought to incorporate outcomes from the UN Millennium Declaration, the WTO Doha Declaration and Finance Ministers Monterrey Consensus as closely as possible

⁴ And the Doha Declaration and Monterrey Consensus

- ❑ Integrated management of land, water and living resources;
- ❑ Extending property rights over natural resources and land;
- ❑ Incorporating traditional knowledge and management into natural resource management;
- ❑ Taking community based approaches;
- ❑ Promoting public/private partnerships for the delivery of services, and
- ❑ Achieving transparency and accountability, and the active participation of civil society, in decision making.

How do these approaches, individually and collectively, find expression in institutions and legislative and policy frameworks?

For example, if an ecosystem approach is to be taken, what does this mean to existing political, social and economic boundaries? How are issues to do with land, water and living resources integrated and managed at the ecosystem level and where do protected areas fit in? Are there opportunities to achieve synergies in the implementation of multilateral environment agreements through taking an integrated ecosystem approach?

Effective governance is needed at all levels

In order to most effectively achieve sustainable development, governance at all levels – local, national, regional, and global – should be mutually reinforcing. International governance does not produce results in the absence of effective national governance, and effective national governance is essential for meaningful participation and results at the international level.

Who is involved and how decisions are made affects the commitment and ability to follow through. And once decisions are taken, steps are needed at all levels to implement them.

If the capacity for governance is weak at any level, this will undermine results. The need for structured devolution of authority to the local and community level necessitates good governance at national and local levels. Devolution will fail unless it is accompanied by the capacity to organize, fund and carry out the devolved responsibilities. Building governance capacity is vital for implementing national and international decisions.

Governance is more than governments

Governance is not the province of governments alone. It includes informal institutional arrangements like voluntary codes of conduct for private business and partnerships among governments, intergovernmental organizations, business, civil society/NGOs, and professional associations. These partnerships include numerous varied and innovative arrangements.

Increasingly, new models are being explored to find ways of building civil society and the private sector into international policy making.⁵

⁵ IUCN is itself a 54 year old experiment in global governance

An integral component of governance is the ability to exercise inclusive leadership and mobilize support from diverse constituencies. If all voices are heard and respected, including those of the poor, then outcomes will be more equitable and contribute to poverty alleviation.

Protected areas and governance

Governance of protected areas⁶ cannot deal with all areas of ‘good governance’.

For example the importance of a functioning and independent judiciary and democratic institutions are issues that transcend the role and functions of protected areas policy makers alone. However, there are many specific decisions relevant to the governance of protected areas that contribute to good governance overall.

Addressing practical governance questions associated with protected areas policy and practice helps to draw out the governance challenges. These questions need to be considered in the context of constantly striving for ‘good governance’, including ensuring openness, transparency and accountability in decision making, broad based stakeholder participation in policy and decision making, and for the effective devolution and sharing of authority and resources where appropriate.

Key issues for protected areas include managing protected areas in the context of the broader landscape or ecosystem, which calls into question appropriate management boundaries and allocation of responsibilities. It also demands effectively engaging other land owners, land users and volunteer networks in management and the devolution and sharing of authority and resources between different spheres of government and with a range of stakeholders.

In this context, some practical questions include:

Who creates and abolishes protected areas and through what process? Is the process open, transparent and accountable?

Who is responsible for the ongoing management of protected areas? Is the arrangement making best use of all available community resources?

How are protected areas funded, including specific revenue generation powers? Is the provision and expenditure of funding open, transparent and accountable and are all possible sources of funding being exploited?

What uses are permissible in protected areas, who decides and through what process? Does this process adequately involve local stakeholders, traditional owners and acknowledge customary usage?

⁶ The particular issue of governance and protected areas has been addressed in the draft paper being prepared for the World Parks Congress by The Institute on Governance in collaboration with Parks Canada, ‘Governance Principles for Protected Areas in the 21st Century’

Who plans for protected area management and how are plans given legal effect? Is this effectively involving all stakeholders and is the plan enforceable?

How is protected areas management monitored and assessed? Is the performance of managers (public, private or other) being adequately monitored and are the results publicly available?

How is the relationship with adjacent private and traditional owners managed? Are these stakeholders being engaged in an open and transparent manner?

Who can challenge and enforce decisions relating to protected areas? Is the public interest in effectively enforcing legislation being served?

What range of powers and functions do agencies responsible for protected areas have? Are they too broad or too narrow to be effective?

Are administrative efforts helping or hindering the taking of an ecosystem approach?

How are volunteers actively engaged in park management? Are they seen as key stakeholders and are public liability issues being adequately addressed?

Extracts from oral presentation, 29 November 2003:

Protected areas operate within an existing system of governance – they are a part of it and the governance of protected areas must be viewed in this broader context.

The governance of protected areas needs to be addressed in a national context. For example, the constitution, legislative framework and judicial systems of each country differs.

There is no one model of governance for protected areas, just as there is no such thing as model legislation for protected areas, and every national, provincial and local community must go through the challenging but necessary task of determining what best suits local conditions.

One can however identify certain fundamental principles that are of universal application, and these principles should be adapted and applied at the local level to suit local conditions.

An attempt to draw out some of these principles can be found in the Parks Canada paper, which has been prepared to help inform the governance of protected areas debate in the lead up to the IUCN WPC in Durban. This paper is a working draft and feedback is actively sought by the authors. My abstract is intended to further assist the workshop in its deliberations.

The vision for Durban includes the desire that this global event will serve as a catalyst for regional events that bring people together to apply their collective experience and intelligence to address the critical issues that are confronting protected areas today, such as this workshop on governance.

This should both lead to an improvement in the governance of protected areas at the regional and local level and inform the global event. The outcomes from the WPC will in turn provide further guidance on the ongoing review and continual improvement of governance arrangements for protected areas across all regions of the world.