



## WORKSHOP SUMMARY REPORT

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<b>Event co-leaders:</b>	Barbara Lausche, Nilufer Oral and Lydia Slobodian
<b>Time and date:</b>	14 November 2014, 13:30-15:00
<b>Rapporteurs:</b>	Alexander Paterson
<b>Presenters:</b>	Teddy Baguilat, Ioli Christopolou, Carlos da Costa, Katrina Moore, Rachel Walmsley, Ferdy Louisy and Mamy Rakotoarijaona

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The Workshop started with an overview of the link between protected areas, governance and the law by co-leaders Lydia Slobodian and Nilufer Oral. Each presenter was then given 7 minutes to present their input.

### **Key emerging lessons:**

Key lessons included:

1. The need to entrench the principle of non-regression in protected areas laws;
2. The need to recognize and support multiple legal systems, where they exist, in governance of protected areas, including through blending of international, customary and statutory legal principles and tools;
3. The need for participatory, democratic and institutional frameworks that include decentralized and local entities, where feasible, to govern protected areas;
4. The need to recognize protected area diversity while simultaneously providing mechanisms for coordination and collaboration.

### **Exemplary case/s and other useful links:**

The Workshop canvassed case studies from 7 different countries – each of which raised important issues relating to the role of both statutory and customary law in protecting biodiversity and achieving Aichi Target 11.

- Structural changes to protected areas laws during the Greek financial crisis included regressive elements alongside apparently progressive elements, highlighting the need for non-regression principles as well as the role of civil society in mobilizing change.
- Supreme Audit Institutions in Brazil and elsewhere in Latin America can provide a tool for extending oversight over and promoting collaboration in protected area governance.

- The Philippines has been moving to blend customary law into the national legal framework, demonstrating the need for and a potential model of legislative recognition of legal pluralism as well as the role of champions in achieving this recognition.
- A review of the success of the Solomon Islands' Protected Areas Law highlights tools for community participation in governance and the recognition of customary law in protected area establishment, as well as challenges that can arise at the interface of customary law and formal legislation.
- Examples from the New South Wales Environmental Defenders Office identified key governance issues that keep recurring in connection with protected areas: diversity, accountability and integrity.
- Recent protected area legal reform in Madagascar provides a success story of how legislative amendments and decrees can increase PA coverage, improve management effectiveness, diversity management and governance types and take advantage of different funding mechanisms; it also illustrates remaining challenges, such as need for new financial mechanisms, better intergovernmental coordination, more complete frameworks for new governance types, and more effective management of illegal activity.
- A new protected areas law in France also illustrates the potential impacts of legal reform on management, governance, and community involvement.

*Original presentations and report are available in the event's folder (see link in annexed "Repository of original Powerpoint presentations and Rapporteur reports").*

### **Key recommendations:**

1. By 2020, governments should have in place strong legal frameworks governing protected area systems and associated conservation areas to meet international obligations, biodiversity goals, promote connectivity, and ensure governance quality, diversity and vitality, taking advantage of the latest IUCN guidance in this area and national experience.
2. By 2020, governments should entrench principles of non-regression in protected areas law.
3. By 2020, governments should ensure that the existence of multiple legal systems is recognized and provided for in protected areas law and policy.
4. By 2016, governments should ensure that their protected areas laws promote participatory and democratic institutional frameworks that include a strong implementation role for decentralized or local entities where relevant/appropriate, and that these laws are implemented in an effective and fair way.

5. By 2020, governments should ensure that protected areas laws contain mechanisms for coordination and flexibility, including through support for diverse governance types, and for adaptation to global change, including climate change.

*Recommendation 2 was directly instrumental in developing the following final recommendation:*

<b>Rec#</b>	<b>Title</b>
4	Collective rights and responsibilities

*Recommendation 1, 3, 4 and 5 were directly or indirectly instrumental in developing the following final recommendations:*

<b>Rec#</b>	<b>Title</b>
2	Standards and guidance
4	Collective rights and responsibilities
7	Shared governance
8	Governance to conserve the High Seas
11	CBD Guidance
16	Innovative legal guidance
17	Justice and redress