



IUCN
WORLD PARKS
CONGRESS
SYDNEY 2014

A strategy of innovative approaches and recommendations to **enhance the diversity, quality and vitality of governance in the next decade**

Submitted on 22 December 2014, following the deliberations of the
IUCN World Parks Congress 2014

A promising future

The beauty and diversity of nature is only rivalled by the richness and variety of ways by which people collaborate to care for it, as inseparable from their own wellbeing. Yet, we appear to fall very short of our collective responsibility towards nature and our shared humanity. There is an **immense unrealised potential to strengthen conservation, support sustainable livelihoods and meet human rights**. We can begin to respond by **improving our ways of taking decisions for the conservation of nature and its associated cultural diversity and values**. In attempts to understand and improve such processes, the concept of “**governance**” of protected and conserved areas has emerged, as well as some of its dimensions and characteristics (see: www.iucn.org/pa_governance).

We, individuals and organisations who dedicated time to reflect on the subject in preparation to and during the IUCN World Parks Congress of Sydney 2014, would like to assert that **improving the diversity, quality and vitality of governance of protected and conserved areas and territories**—locally, regionally, nationally and trans-nationally—is **essential to conserving nature, ecosystem functions and bio-cultural diversity**. Further, improving governance is also crucial for **resilience, climate change adaptation** and to advance economies and communities towards **better and more sustainable living**. Consequently, we believe the conservation community should:

1. **Better understand and take action about governance for the conservation of nature**. We should engage in processes of governance **inquiry, assessment, evaluation and action**, improve governance **standards and guidance**, and develop **stronger and more supportive legal and policy frameworks**, including **better integration of customary law**, at all levels. A variety of **conservation partnerships** can be sustained and nourished among governments and civil society, including for Transboundary Conservation Areas, migratory species and marine areas beyond national jurisdiction. And there is compelling evidence to fully recognize and support the **voluntary preservation, sustainable use, restoration and enrichment practices** of indigenous peoples, local communities, landowners and other actors **for both protected areas and “other effective area-based conservation measures”** (OECMs or “**conserved areas**”). This will enhance the completeness, representativeness, connectivity and sustainability of countries’ conservation systems.
2. **Strengthen the implementation of existing policies and agreements relevant for governance for the conservation of nature**. These include (but are not limited to): the Aarhus Convention; national action plans to implement the Programme of Work on Protected Areas (PoWPA) of the Convention on Biological Diversity (CBD); National Biodiversity Strategies and Action Plans in line with CBD Decisions; the CBD Plan of Action on Customary Sustainable Use; the CBD Akwé: Kon Guidelines; the FAO Voluntary Guidelines on Responsible Governance of Tenure and Voluntary Guidelines on Small-Scale Fisheries; the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); as well as broad UN agreements to respect

procedural and substantive human rights. Implementation should be strengthened through a combination of **concrete action** in the field, **capacity building** in learning networks, **new legislation, regulations and enforcement efforts** and adherence to values such as **mutual respect, dignity and humility** in governance policies and practices. Clear **limits to patterns of unsustainable exploitation of natural resources** should be set via relevant non regression principles and “No Go” policies to prevent damage from industrial and extractive activities.

3. **Advance the “governance frontier” towards action on humanity’s most urgent agenda: moving away from growth-based development models towards more sustainable, equitable and satisfying economies and societies.** Societies need to learn from successful experiences in ecological sustainability, self-reliance and direct democracy for the governance of the commons. They need to commit towards models of **well being based on the equitable, effective and wise governance for the conservation of nature**, from the local level (e.g., a village forest) to the national level (e.g., fisheries in a marine economic exclusive zone), from the regional level (e.g., migratory wildlife) to the global level (e.g., the atmosphere and climate). All sectors of society, but especially **women, the youth, elders** willing to share their wisdom about nature and people, as well as **landowners and primary producers—farmers, herders, fishermen, forest dwellers—** should engage in nature conservation and nourish a **diversity of values and incentives for ecological sustainability**. **Communities** should **re-energise as governance actors**, build their **food and water sovereignty** on a proper care of the natural commons and **nourish** their unique local **knowledge, institutions and capacities** towards the long term vision necessary for **sustainable human development**. The **post-2015 Sustainable Development Goals** should be oriented by a thorough understanding of governance issues and values for the conservation of nature.

The current situation

Throughout the world, **nature is under attack, political and economic inequality is increasing** and formal **conservation practices—** where they exist— remain much **less equitable, collaborative, and systemically connected than they could be**. In particular, **threats** to existing and potential conservation areas and priorities **are increasing** with a rapid expansion and intensification of industrial and extractive activities and associated technologies and financial speculations. In several countries, **illegal logging, wildlife crime, corruption and conservation-related injustice** persist **at alarming levels**, at times also fuelled by poor understanding of governance and sustainable use facts, and/or by weak legal frameworks. **Territories and areas voluntarily conserved** by indigenous peoples, local communities and private landowners are still **largely unrecognised and unsupported**. The recognition of the collective rights and responsibilities of indigenous peoples and local communities—which is delivering enormous conservation benefits in places such as Namibia, Brazil, Tanzania or the Philippines— is still waiting to be secured and extended in mega-diverse countries such as Indonesia, the Democratic Republic of Congo, Russia, China or Madagascar.

International instruments have made **important progress** in recognising the role of governance diversity and equity in sustaining conservation and livelihoods, but their **implementation** is often **limited** and their political weight remains considerably less than that of instruments promoting economic growth and “business as usual”, including conservation business. For instance, the Parties to the CBD report limited implementation of Element 2 of PoWPA (the element dedicated to governance, participation, equity and benefit sharing) despite it being critical to meeting the Programme’s overall objectives. Governance issues remain poorly understood and only a few countries take advantage of the implications of a fair sharing of the benefits deriving from sustainable use of biodiversity. Meanwhile, financial instruments supposed to sustain conservation reveal questionable, and at times counterproductive, results and questionable sustainability.

While action to embrace **governance diversity** for the conservation of nature is emerging— in particular because of interest in collaborative and voluntary conservation models that show comparative advantages for equity, effectiveness and efficiency— in most countries conventional governance modalities remain predominant in public perception and support. Some improvements in **governance quality** can be noted in

terms of enhanced participation and voice, respect for recognized rights and dignity of people, and accountability for protected areas. Conservation inequities, however, remain the rule rather than the exception wherever top-down is the preferred decision-making model and civil society has limited capacity to question authority or receive recognition of collective rights, responsibilities and conservation capacities. Importantly, the world reservoir of **governance vitality** for conservation— the capacity for integration and connectivity, learning from experience and social-ecological history, fostering engagement and developing innovative and empowering solutions—continues to be largely neglected.

In many countries, **the cultural and spiritual values of nature** are still a driving force for conservation, especially in relation to indigenous peoples' territories, the commons of traditional peasant, forest, pastoral and fishing communities, and sacred natural and cultural sites, landscapes and seascapes. The idea that protected areas and “conserved areas” can be supported as part of the same conservation systems is also gaining ground. Overall, however, collaboration remains limited between formal conservation agencies and indigenous peoples, local caretaker communities, individuals and groups that share cultural and spiritual values, concerns and/or a common faith or worldview related to nature. It is crucial that **existing traditional knowledge, customary laws, institutions and wisdom for conservation**— currently neglected or even repressed in some countries— be **fully valued and integrated with new knowledge, technologies and legal and policy mechanisms** to fulfil their potential for enhanced collaboration, adaptation, innovation, connectivity and resilience. This integration must be the result of fair co-production and mutual engagement and remain consistent with the rights and aspirations of all relevant knowledge-holders.

In parallel, there is a clear need to **set limits to the continuing unsustainable and destructive exploitation of nature**. So far, existing “No Go” policies and governance mechanisms for restricting industrial and extractive activities have been underutilized, ineffectively enforced by governments and, in some cases, simply ignored. IUCN possesses solid and long-standing policy positions to this effect, including “No Go” for extractive industries in World Heritage Sites and IUCN Protected Area Categories I-IV. Additional “No Go” legal frameworks and policy mechanisms that can be developed or better utilised and enforced in many countries include (a) respect for indigenous peoples' territories, the commons of peasant, forest, herder and fisher communities, areas conserved by religious communities and sacred natural and cultural sites; (b) respect of the right of indigenous peoples to self-determination and free, prior and informed consent as part of UNDRIP commitments; and (c) specific national legislation and policies to support the conservation of nature, such as firmly declared “no-take” zones in marine protected areas, and their enforcement through regulations, courts and customary laws. While there is increasing stress on the “rights of nature” and “ecocide” as a crime against humanity, efforts to set up an International Court for the Environment remain short of the goal.

Recommendations for change

1. **Enhancing governance.** All countries, relevant organisations, protected area managers and rightsholders **realise the full potential of enhancing governance for the conservation of nature** through participatory processes of inquiry, assessment, evaluation and action for systems of protected and conserved areas and territories in the landscape / seascape and for individual sites.
2. **Standards and guidance.** All countries, relevant organisations, protected area managers and rightsholders inclusively develop **standards, guidance and stronger and more supportive legal frameworks**, including **better integration of customary laws, to enhance the diversity, quality and vitality** of governance of protected and conserved areas and territories. This is particularly important in relation to CBD's PoWPA and Plan of Action on Customary Sustainable Use, National Biodiversity Strategies and Action Plans, and IUCN Green Lists.
3. **Voluntary conservation.** All countries, relevant organisations, protected area managers and rightsholders better recognise and appropriately support **voluntary and self-directed conservation efforts**, including in

the **territories and areas conserved by indigenous peoples and local communities (ICCAs) *within* and *outside* protected areas**, and in **privately protected and conserved areas and networks**.

4. **Collective rights and responsibilities.** All countries, relevant organisations, protected area managers and rightsholders take concrete steps, through laws, agreements and enforcement mechanisms, to recognise and secure the right of **self-determination of indigenous peoples** as well as the **collective land and resource rights and responsibilities of indigenous peoples and traditional peasant, forest, herder and fishing communities—both sedentary and mobile— for the billions of hectares of forests, rangelands, wetlands, mountains, coastlands and sea they customarily govern and manage on our planet**. This will strengthen their commitment to sustainable livelihoods and foster their engagement in conserving nature.
5. **Governance overlaps.** In situations where the land, water, natural resources and coastal and marine areas of indigenous peoples and local communities **overlap with established protected areas** under any other governance type, all countries and relevant organisations ensure that **collective rights and responsibilities** to own, govern, manage, and use such land, water, natural resources and coastal and marine areas are respected. Further, they ensure that the indigenous peoples' and local communities' right to **free, prior and informed consent** is affirmed and their livelihoods and food and water sovereignty are appropriately recognized and supported, along with their knowledge, institutions, practices, management strategies and plans related to conservation. They foster, moreover, the full engagement of the concerned indigenous peoples and local communities in the governance of the overlapping established protected areas.
6. **Governance for sustainable use.** All countries, relevant organisations, protected area managers and rightsholders recognise and learn from the **conservation models** and **governance conditions** by which conservation of nature is **complementary to, and mutually supportive of, the presence of people, human development, and sustainable use of natural resources and wildlife**.
7. **Shared governance.** All countries, relevant organisations, protected area managers and rightsholders support the maintenance and implementation of a variety of **shared governance models** for protected and conserved areas, in particular for the **conservation of transboundary ecosystems and migratory species** as means to ensure their equity, effectiveness and efficiency, including for sustainable use. This should be achieved through recognition of customary practices, advances in protected area law and other legislation, and models of **transboundary conservation governance** designed to suit their contexts.
8. **Governance to conserve the High Seas.** Governments establish equitable and effective systems of **shared governance of marine areas beyond national jurisdiction** (incorporating marine protected areas) by developing, adopting and bringing into force through national laws **an international instrument, under the United Nations Convention on the Law of the Sea**, which will address conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.
9. **Aarhus and beyond.** All countries and relevant organisations, in line with the Aarhus Convention, establish mechanisms to ensure **access to information, meaningful participation in decision-making and justice** at all levels regarding protected and conserved areas.
10. **Implementing policies and agreements.** All countries, relevant organisations, protected area managers and rightsholders **recommit to and strengthen the implementation of policies and agreements concerning governance for the conservation of nature**, including (but not limited to): CBD national action plans to implement PoWPA and National Biodiversity Strategies and Action Plans in line with CBD Decisions; the CBD Plan of Action on Customary Sustainable Use; the CBD Akwé: Kon Guidelines; the FAO Voluntary Guidelines on Responsible Governance of Tenure and Voluntary Guidelines on Small-Scale Fisheries; UNDRIP; as well as broader procedural and substantive human rights. This should be achieved through a combination of **concrete action** in the field, **capacity building** in learning networks, **new legislation, regulations and enforcement**, and adherence to values such as **mutual respect, dignity and humility** in governance policies

and practices. Clear **limits to patterns of unsustainable exploitation of natural resources** should be set and respected.

11. **CBD Guidance.** The CBD Secretariat and relevant partners highlight and develop **guidance on: assessing the “equitable management” dimension of Aichi Target 11; governing, managing, recognizing and monitoring OECMs;** and better understanding the close **intersection of governance and the law** (both in the statutory and customary sense). This should be done through legitimate, widely consultative and accountable processes where indigenous peoples and local communities are fully engaged.
12. **Transnational wildlife crime.** All countries, relevant organisations, protected area managers and rightsholders engage in putting **transnational wildlife crime out of business** by well-coordinated support to: devolved wildlife governance arrangements that engage indigenous peoples and local communities and secure the equitable sharing of the benefits derived from conservation efforts, and sustainable use in particular; stronger laws and independent judiciaries; anti-corruption measures and whistleblower protection; mandatory due diligence regulations; increased law enforcement efforts by legitimate authorities in compliance with human rights standards; efficient transboundary cooperation, traceability mechanisms and regional alliances; and enhanced transparency at all levels.
13. **“No Go” policies.** All governments and relevant organizations, with full, informed and effective participation of relevant rightsholders set **clear limits to patterns of unsustainable exploitation of natural resources.** This includes **identifying, legally defining and implementing “No Go” policies,** such as existing IUCN policies to prevent extractive industries from affecting World Heritage Sites and protected areas under IUCN Category I to IV and other similar policies of international and national organisations, indigenous peoples and local communities. In addition, they **further investigate, adopt, expand and implement “No Go” policies** through regulatory instruments designed to conserve **Key Biodiversity Areas, ICCAs, sacred natural and cultural sites, indigenous peoples’ territories, the commons of peasant, forest, herder and fishing communities, areas conserved by religious communities,** as well as, possibly, **protected areas under all categories.** “No Go” policies should be seen as interim measures while all countries move towards full sustainability across all landscapes and seascapes.
14. **Non-regression principles.** All countries and relevant organisations, with the full, informed and effective participation of relevant rightsholders and stakeholders and with due respect for the rights of indigenous peoples and local communities, **adopt laws and enforcement mechanisms to implement non-regression principles** and thereby prevent the weakening of protected and conserved areas by (or for the purpose of establishing) environmentally destructive activities.
15. **Governance capacity.** Conservation organisations and donors support civil society and governments across the world to undertake **capacity development initiatives on adaptive governance** of protected and conserved territories and areas (including through national and regional learning networks, community based monitoring, communication efforts, legal literacy initiatives and new curricula in professional training) and **targeted research** (including on land reform processes, characteristics of governance institutions beneficial to conservation, effective support for ICCAs and privately conserved areas, as well as responses to the challenges inherent in unpredictable change in social-ecological systems). Protected area managers, rightsholders and stakeholders improve their understanding and take action to **enhance the vitality of governing protected and conserved areas.**
16. **Innovative legal guidance.** All countries and relevant organisations explore **innovative legal frameworks and tools** to develop guidance at various levels, including about equity in conservation, conflict resolution in conservation initiatives and the respect of human rights. In particular, they enable and encourage the development and use of **community protocols** as a means for indigenous peoples and local communities governing conserved areas and territories and custodians of sacred natural and cultural sites to exercise their rights and responsibilities, gain recognition of their institutions and determine their access and benefit

sharing arrangements, pursuant to the CBD and other relevant international law.

17. **Justice and redress.** Governments and UN human rights bodies, in full collaboration with relevant rightsholders, establish effective **monitoring, restitution and accountability mechanisms** to ensure that **rights-based approaches** and **international standards of justice** are applied in all conservation programmes. This should **redress** past and ongoing injustices suffered by indigenous peoples and local communities, including restitution of lands expropriated without free, prior and informed consent, and application of appropriate processes, such as the IUCN Whakatane Mechanism.
18. **Governance data and analyses.** All governments, conservation agencies and organisations, the IUCN, the ICCA Consortium and relevant IUCN Commissions' specialist groups, ensuring the free prior and informed consent of relevant rightsholders, support **inquiries, data gathering, analyses and reports on governance of protected and conserved areas** to feed into UNEP WCMC databases and PoWPA's and other reports to the CBD. This will allow the development of **comprehensive and valid databases and analyses on governance and connectivity** of protected areas and other effective conservation measures, including Transboundary Conservation Areas, privately protected and conserved areas, and ICCAs.
19. **Food and water sovereignty.** All countries, relevant organizations, protected area managers and rightsholders take concrete steps to ensure the **food and water sovereignty of producer communities** in protected and conserved areas, including the right to use, save and freely exchange diverse **seeds and livestock breeds**, building upon **cultural diversity**, traditional knowledge and practices, and local innovations. This will promote sustainable and resilient local food systems based on quality and cooperation, naturally connected with wild biodiversity and renewable resources in the local commons and larger landscape/ seascape.
20. **Governance for the conservation of nature and human well being.** All governments, relevant civil society organisations and faith organisations work towards adopting **pathways of well-being** centred on commons-based self-reliance, direct political and economic democracy and ecological sustainability, **learning from initiatives of equitable, effective and wise governance for the conservation of nature.** They ensure that the post-2015 Sustainable Development Goals are oriented by these principles and learning.

Key partnerships needed

Diverse and inter-generational partnerships that engage:

- indigenous peoples and local communities with strong attachment to particular territories and areas, including sedentary and mobile, within and across international borders, kept together by history, culture, livelihoods strategy or a common faith and/or worldview;
- private landowners willing to engage in conservation;
- peoples' movements, women's movements, NGOs, academic, research and religious organisations concerned with conservation, sustainable livelihoods, self-determination and the rights and responsibilities of indigenous peoples and humans in general;
- all countries and governments;
- UN agencies, convention secretariats and mechanisms;
- conservation organisations, agencies and donors;
- legal and communication experts and practitioners;
- progressive business companies;
- decision makers from all rightsholder and stakeholder groups.