STRENGTHENING CAPACITY FOR ENVIRONMENTAL LAW IN THE ASIA-PACIFIC: DEVELOPING ENVIRONMENTAL LAW CHAMPIONS
Cebu, May 29-30, 2017

SESSION 5: PROTECTED AREAS LAW & GOVERNANCE

Presented by Prof Alexander Paterson
University of Cape Town
Purpose of this session

- Protected Areas Context
- ‘Protected Areas Governance’
- Law & Protected Areas Governance
- An Advert

©Developing Environmental Law Champions, Train-the-Trainers (TTT) Program 2017. All rights reserved by ADB and IUCNAEL.
GLOBAL NUMBERS

Protected Areas of the world

217,155 protected areas

202,467 terrestrial

14,688 marine


©Developing Environmental Law Champions, Train-the-Trainers (TTT) Program 2017. All rights reserved by ADB and IUCNAEL.
GLOBAL COVERAGE - TERRESTRIAL

14.7%


©Developing Environmental Law Champions, Train-the-Trainers (TTT) Program 2017. All rights reserved by ADB and IUCNAEL.
GLOBAL COVERAGE - MARINE

10.1%
areas within national jurisdiction

4%
areas beyond national jurisdiction

... by 2020, ensuring at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes.

Terrestrial 17%  
Marine 10%
GLOBAL COVERAGE & TARGETS

- **17% target for terrestrial and inland water protection**
- **10% target for marine protection**


©Developing Environmental Law Champions, Train-the-Trainers (TTT) Program 2017. All rights reserved by ADB and IUCNAEL.
10 900 protected areas
<table>
<thead>
<tr>
<th>Country</th>
<th>Marine (0-12 nautical miles)</th>
<th>Marine within national jurisdiction (0-200 nautical miles)</th>
<th>Terrestrial and inland water areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bangladesh</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bhutan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brunei Darussalam</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cambodia</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>China</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DPR Korea</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>India</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indonesia</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Japan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lao PDR</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Malaysia</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maldives</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mongolia</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Myanmar</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nepal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pakistan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Philippines</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Republic of Korea</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Singapore</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sri Lanka</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thailand</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Timor-Leste</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Viet Nam</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
REGIONAL COVERAGE & TARGETS

- 17 per cent target for terrestrial protection
- 10 per cent target for marine protection

Terrestrial area including inland waters: 13.9%
Marine area within national jurisdiction (0-200 nautical miles): 1.4%
Aichi Target 11

- **Coverage targets**
  - Terrestrial: 17%
  - Marine: 10%

- Managed effectively
- Managed equitably

©Developing Environmental Law Champions, Train-the-Trainers (TTT) Program 2017. All rights reserved by ADB and IUCNAEL.
Aichi Target 11

protected area governance
PURPOSE OF THIS SESSION

Protected Areas Context

‘Protected Areas Governance’
UNDERSTANDING ‘GOVERNANCE’

‘Governance’?

‘The interactions among structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken and how citizens or other stakeholders have their say.’

- rich & multifacteted
- complex
- authority/power
  - who makes decisions
  - how decisions made
  - how authority shared
  - who is accountable

©Developing Environmental Law Champions, Train-the-Trainers (TTT) Program 2017. All rights reserved by ADB and IUCNAEL.
UNDERSTANDING ‘GOVERNANCE’...

‘Governance’?

Two Different Dimensions

- Quality of Governance
  - Good Governance
- Who Makes Decisions
  - Types of Governance

©Developing Environmental Law Champions, Train-the-Trainers (TTT) Program 2017. All rights reserved by ADB and IUCNAEL.
UNDERSTANDING ‘GOVERNANCE’...

Quality of Governance

- Good Governance
  - public participation
  - transparency
  - predictability
  - equity
  - justice

Who Makes Decisions

- Types of Governance
  - centralised
  - shared
  - decentralised

©Developing Environmental Law Champions, Train-the-Trainers (TTT) Program 2017. All rights reserved by ADB and IUCNAEL.
UNDERSTANDING ‘GOVERNANCE’…

Governance

- who decides about what is to be done
- how these decisions are taken

VS

Management

- what is done in pursuit of given objectives
‘Protected Areas Governance’?

‘The interactions among structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken and how citizens or other stakeholders have their say in a protected area.’

authority/power

who makes decisions  how authority shared

how decisions made  who is accountable
five key influential factors

- type of decisions
- key actors
- instruments/tools
- powers/authority
- levels of decision-making
a continuum of options

<table>
<thead>
<tr>
<th>Full control by agency</th>
<th>Full control by other interests</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government sole decision-making</td>
<td>Stakeholder decision-making</td>
</tr>
<tr>
<td>Government consultative decision-making</td>
<td>Delegated decision-making</td>
</tr>
<tr>
<td>Government co-operative decision-making</td>
<td>Joint decision-making</td>
</tr>
<tr>
<td>Private</td>
<td>Indigenous &amp; local</td>
</tr>
<tr>
<td>State-owned</td>
<td>Shared</td>
</tr>
</tbody>
</table>
CATEGORIES & TYPES OF PAs

IUCN

2008
2013

Guidelines for Applying Protected Area Management Categories

Management Categories

Governance Types

Developing capacity for a protected planet

Governance Types

Developing capacity for a protected planet

©Developing Environmental Law Champions, Train-the-Trainers (TTT) Program 2017. All rights reserved by ADB and IUCNAEL.
## IUCN PA GOVERNANCE TYPES

<table>
<thead>
<tr>
<th>Governance Type</th>
<th>Sub-types</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type A. Governance by government</strong></td>
<td>national</td>
</tr>
<tr>
<td></td>
<td>sub-national</td>
</tr>
<tr>
<td></td>
<td>govt-delegated</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Type B. Shared governance</strong></td>
<td>transboundary</td>
</tr>
<tr>
<td></td>
<td>collaborative</td>
</tr>
<tr>
<td></td>
<td>joint</td>
</tr>
<tr>
<td><strong>Type C. Private governance</strong></td>
<td>individuals</td>
</tr>
<tr>
<td></td>
<td>corporations</td>
</tr>
<tr>
<td></td>
<td>NGOs</td>
</tr>
<tr>
<td><strong>Type D. Governance by indigenous peoples and local communities</strong></td>
<td>indigenous peoples</td>
</tr>
</tbody>
</table>
PURPOSE OF THIS SESSION

Protected Areas Context

‘Protected Areas Governance’

Law & Protected Areas Governance
protected areas governance

- effective
- diverse
- equitable

protected areas law

©Developing Environmental Law Champions, Train-the-Trainers (TTT) Program 2017. All rights reserved by ADB and IUCNAEL.
PURPOSE OF THIS SESSION

Protected Areas Context

‘Protected Areas Governance’

Law & Protected Areas Governance

An Advert

©Developing Environmental Law Champions, Train-the-Trainers (TTT) Program 2017. All rights reserved by ADB and IUCNAEL.
LAW, LAWYERS & PROTECTED AREAS

manager
scientist
economist
ecologist
zoologist
botanist
entomologist
politician
lawyer
sociologist
anthropologist
climatologist
hydrologist

central role
enabler/regulator

©Developing Environmental Law Champions, Train-the-Trainers (TTT) Program 2017. All rights reserved by ADB and IUCNAEL.
THE LEGAL ISSUES

Igniting Effective, Equitable & Diverse Protected Areas

©Developing Environmental Law Champions, Train-the-Trainers (TTT) Program 2017. All rights reserved by ADB and IUCNAEL.
THE LEGAL ISSUES...

- definitions
- principles
- objectives
- types
- planning
- declaration
- financing
- enforcement
- compliance
- regulation
- management
- institutions
CONSTRUCT A COURSE ON PA LAW

- definitions
- principles
- objectives
- types
- planning
- declaration
- financing
- enforcement
- compliance
- regulation
- management
- institutions

raise PA law literacy
COURSE STRUCTURE

Module 1
Intro to the Course & Key Concepts

Module 2
Governance Principles & Approaches

Module 3
Definitions, Principles, Objectives & Institutions

Module 4
Planning, Types & Declaration

Module 5
Management

Module 6
Compliance, Enforcement, Regulation & Financing

©Developing Environmental Law Champions, Train-the-Trainers (TTT) Program 2017. All rights reserved by ADB and IUCNAEL.
COURSE STRUCTURE...

Module 7  
International & Regional Law

Module 8  
Connectivity Conservation - Introduction

Module 9  
Connectivity Conservation - Legal Issues & Tools

Module 10  
Marine PAs - Special Features & International Law

Module 11  
Marine PAs - Special Legal Considerations

Module 12  
Transboundary PAs - Special Legal Considerations

©Developing Environmental Law Champions, Train-the-Trainers (TTT) Program 2017. All rights reserved by ADB and IUCNAEL.
MODULE STRUCTURE

- Seminar presentation
- Practical exercises
  - Interactive knowledge transfer
  - Facilitated skills development

©Developing Environmental Law Champions, Train-the-Trainers (TTT) Program 2017. All rights reserved by ADB and IUCNAEL.
Module Resources

- Module Outline
- Seminar Presentation
  - Scene Setting Presentation
  - Presenters Notes
- Reflective Exercises (2)
  - Exercise Outline
    - Nature & Purpose
    - Structure
    - Resources
  - Exercise Resources
    - Presentation
    - Case Studies (Narratives/Maps)
    - Templates (Blank and Complete)
- Media Resources (2)
  - Information Graphics
  - Interviews/Documentaries

Legal drafting
Role plays
Discussion forums
Case studies
Mock negotiations
PURPOSE OF THIS SESSION

Protected Areas Context

‘Protected Areas Governance’

Law & Protected Areas Governance

An Advert for a Treasure Chest of Resources