

# **Non-governmental Organizations and Protected Area Governance**

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Over the past decade, national governments, international bodies, nongovernmental organizations, and donors have shown an increasing interest in promoting good governance for protected areas management, because good governance is prerequisite for protected areas' long-term future.

What is the best way to promote good governance through activities by nongovernmental organizations? How can nongovernmental organizations build positive partnerships between civil society and government, resulting in long-term resilience for protected areas and benefits beyond borders?

Recent trends in government decentralization and the privatization of many traditional government roles have led to an increasing role for nongovernmental organizations in protected area governance. Nongovernmental organizations offer advantages to governments and to civil society as an actor that can bring parties together, raise additional funding, and support nonpartisan interests.

The Convention on Biological Diversity (CBD) recognizes the importance of cooperation with nongovernmental entities in the CBD preamble by calling for an increased participation of the private (i.e., the nongovernmental) sector in biodiversity protection (i.e., as in Article 10 CBD). There are many incentives, for nongovernmental organizations and for governments, for transferring governmental responsibilities for biodiversity protection to nongovernmental entities. Yet nongovernmental entities also have their weaknesses as well as their strengths. The best arrangements for incorporating nongovernmental organizations into protected areas management provide flexible frameworks to support nongovernmental organizations' accountability to the public while strengthening public participation in decision-making.

It is appropriate for governmental and nongovernmental delegates to the Vth World Parks Congress to initiate a process of reflection on their countries' legal and policy frameworks governing nongovernmental involvement in protected areas, as well as the history of that involvement and the lessons learned about opportunities and potential pitfalls that should be

borne in mind when considering broadening nongovernmental roles under the current wave of decentralization and privatization.

In preparation for CBD COP 7, where delegates will develop guidelines for implementation that will influence donor funding directions and government priorities, it is appropriate to review the roles, strengths, and weaknesses of nongovernmental organizations as they impact protected area governance, in order to develop guidance for flexible frameworks supporting NGOs' public accountability.

One of the challenges for CBD COP 7 is to shape recommendations that fit local circumstances, take advantage of the good aspects of nongovernmental collaboration, and do not contribute to unraveling the very broad-based political fabric that the CBD needs to weave around protected areas. Protected areas will only survive into the next century if there is a demand for them from different sectors of society and if those sectors are willing to stand together to defend them against a wide variety of threats. The CBD offers a platform that can either rally these different actors or divide them, at local, national and international levels. As a key analyst of international environmental conventions has observed, the effectiveness of international regimes such as the CBD, "will often be a function of the compatibility of top-down arrangements reflected in the content of international regimes themselves and bottom-up arrangements reflected in features of the societal setting..." (Young 1997: 288).

### **The Role of NGOs in Affecting Protected Area Governance: A Shared Enterprise in Diverse Circumstances**

The topic "nongovernmental organizations and protected areas governance" is very broad. The quality of protected area governance in any given country depends on the overall power relations between civil society and government, the quality of government, and the quality of the nongovernmental organizations. The levels of corruption, politico-economic inequality and conflict among ethnic groups, as well as other local and national social and political factors, set the stage for what is possible and/or likely in a particular setting.

There are as many types of nongovernmental organizations as there are types of protected areas and governments. Every situation is unique, but we will try to draw some general, overarching observations and recommendations for consideration by the WCPA, the AHTEG, SBSTTA and COP 7 concerning how the CBD could best address opportunities for improving governance of protected areas in COP 7. This document draws on the range of protected areas governance experience – arrangements, opportunities, and challenges – and offers recommendations based on the principles of sound governance proposed for the WPC by Parks Canada to guide the process of establishing and managing protected areas (Graham et al 2003).

The nongovernmental sector is comprised of a wide range of associations. NGOs have many origins, forms of internal governance, and purposes that affect their potential for promoting good governance. They may represent a particular constituency and follow democratic procedures (e.g., campesino federations, indigenous federations, or community-based organizations), or they may be organized around the decisions and passions of a single charismatic individual. They

may arise from a small group of individuals (founders) who joined together to create a means to address particular issue or perform a particular service (such as legal aid groups or river protection societies). They may be created by a private industry or a political party for public relations purposes. Or they may be created by a government agency that hopes to both gain access to new economic sources to fund its projects and to acquire the flexibility that comes from sidestepping the bureaucratic apparatus. International bilateral and multilateral donors can create and/or coordinate NGOs to provide a service that is not being fulfilled, such as when the UN promoted the formation of the IUCN, which in turn created WWF.

For the purposes of this paper, we focus on two broad elements within the non-governmental sector that participate in PA management. These are: (a) nongovernmental organizations, associations and/or federations that represent the collective interests of certain groups affected by or interested in protected areas, including community-based organizations, and (b) nongovernmental organizations led by a private board of directors, with missions to perform services in and around protected areas.

The roles of NGOs in PA management are increasingly diverse and collaborative in nature, ranging from NGO collaboration in the management process to NGO advocacy at the national and international level for the creation of protected areas. In addition, NGOs are establishing mechanisms to set private land aside for the purpose of conservation, and they are taking up the responsibility of managing both private land and government established protected areas. The delegation of protected area management, by which a government agency cedes managing responsibility to private hands, presents opportunities and challenges.

The range of capable and effective conservation partners in the nongovernmental sector is much wider than the group of actors who currently deploy the majority of conservation resources as nongovernmental organizations. Significant opportunity for collaboration with citizens associations, indigenous and campesino federations, community-based organizations, and nongovernmental organizations with broader missions (health cooperatives, etc) often goes unrecognized and underutilized.

Nongovernmental organizations are part of ‘civil society’. Innovative governance resulting from increased participation of civil society in debating and making decisions about public issues can foster more transparent and solid decisions, as well as shape new ways to execute national policies, provide alternatives for collaboration in implementation of protected areas, and stimulate public discussion about development options, democratization, participation, and the environment.

Nongovernmental organizations have become more visibly involved in protected areas establishment and management over the past decade; yet international nongovernmental organizations have played key roles setting conservation policy behind the scenes in many countries for decades. In both management and establishment of protected areas, nongovernmental organizations are engaged in governance relations and, as such, have long played a key role, consciously or not, in setting or acquiescing to governance standards, particularly in rural areas.

Likewise, protected areas can take many forms – ranging from militarized zones where trespassers are shot to local reserves managed for hunting, logging and/or recreation. The IUCN categories lay out the general range of protected area forms, but each country has its unique criteria, standards and rules by which protected areas are managed. What is acceptable in some countries is not acceptable in others.

With the global privatization and decentralization trend, more local and state-level protected areas are being created and/or more responsibilities for protected areas management are being devolved to private sector entities, nongovernmental organizations, indigenous groups, and local government bodies. Hence, different aspects of protected areas are increasingly in the hands of agents outside national governments. This is a situation which can have significant impacts on protected areas governance – either placing the protected area in a position of leadership toward better governance (as in some cases in Central America, Indonesia and Eastern Europe) or, particularly where protected areas generate significant profits, positioning the protected area as a bastion of dictatorial regimes (as in some parts of Africa).

NGO relations to protected areas imply relations to government. “Government” is not a monolithic entity within a country, or across countries. Governments may be democratic or dictatorial, pluricultural or dominated by the elite of one ethnic group that marginalizes other ethnic groups. They may be weak or strong, concerned with conservation or not, solvent or highly indebted. They also vary in the degree of their corruption and offer differing levels of justice to their citizens. National governments are made up of agencies, sub-units and actors that work in tension, as well as in coordination with each other. There are virtual communities of government actors that cross north-south lines and international political rivalries (e.g., judges and employees in regulatory agencies who network with counterparts overseas - Slaughter 1997). Furthermore, local, regional/provincial and national governments have different agendas, sources of local legitimacy, and capabilities to affect change at the local level.

Highly enmeshed relations between an NGO and government can exist when (as is common in democracies) government workers move back and forth between the governmental and nongovernmental sector. Alternatively, there may be confrontational relations between nongovernmental organizations and dictatorial governments.

### **Special Consideration for NGO Relations with Indigenous Peoples When Evaluating the Quality of Governance:**

NGO relations to protected areas imply relations to Indigenous Peoples because a high percent of protected areas are found in or around territories of Indigenous Peoples. Indigenous peoples are nations without states, and as such have special governance considerations and require special attention by nongovernmental organizations, as well as by governments. Indigenous peoples and local traditional communities often want to protect their physical environment, source of their livelihood and a fundamental part of their cultures. Indigenous organizations are increasingly demanding and receiving recognition of their rights and control over their territories and ancestral lands. They are also demanding rights over their traditional collective knowledge – from medicinal plants to art.

ILO 169 lays out these special considerations and rights. Hence, NGOs must take special steps to accommodate their actions to, and be accountable to, both government and indigenous organizations' decisions. International law now recognizes the rights of indigenous peoples to<sup>1</sup>:

- Self-determination
- Freely dispose of their natural wealth and resources
- In no case be deprived of their means of subsistence
- Own, develop, control and use their communal lands, territories and resources, traditionally owned or otherwise occupied by them
- The free enjoyment of their own culture and maintenance of their traditional way of life
- Free and informed consent prior to activities on their lands
- Represent themselves through their own institutions
- Exercise their customary law
- Restitution of their lands and compensation for losses endured.



*Ucayali Valley, Pucallpa, Peru. An anthropologist working with the Peruvian NGO CIMA discusses plans for Cordillera Azul National Park with ORAU - an indigenous federation of Shipibo and Cacataibo peoples living in the buffer zone of Cordillera Azul. Photo by Janis Bristol Alcorn.*

In many parts of the world, the poor record of many conservation organizations and governments in protected area governance has led to an unfortunate reaction among indigenous organizations. When listing current serious threats to their lands and resources, many indigenous leaders give a laundry list that reads something like this: “The most serious threats to our territories are oil, logging, gas, mining, and protected areas.” In parts of Southeast Asia, international conservation organizations are viewed as "eco-imperialists". In Chiapas, Mexico, an international conservation NGO is being accused of collusion with government attacks on indigenous communities in Lacandon Selva. By following the guidance of international law (above), it is possible to rebuild the confidence of representative indigenous organizations and other community-based organizations in protected areas as a beneficial land use option for indigenous communities (Chapin 2004).

Given the wide range of variation in governments, nongovernmental organizations and protected areas, we seek to find common patterns that will inform and assist the COP 7 to develop and assess guidelines for supporting NGO collaborations in diverse protected area contexts.

## **The Governance Impacts of NGO Behaviors in the Realms of Protected Areas and Conservation**

NGOs affect protected area governance through their behavior in at least three areas:

- Policy Making – both the policies and the policy setting processes at international and national levels, as well as at local protected area levels
- Projects – design and implementation, including park management projects
- Influence – with private corporations as well as with political parties and government agencies.

Nongovernmental organizations are in a unique position – they affect the quality of local, national and/or transnational governance regardless of WHAT they do. Their impact depends as much on HOW they do what they do, as it does on WHAT they do.

Governance is born in the dynamic relations between civil society and government. Nongovernmental organizations enable civil society to interact with, and influence, government. They hold the power to build public trust in government, as well as to question government. Nongovernmental organizations channel the voices of citizens to nurture or undermine the legitimacy of power structures associated with governments, as well as to encourage change. Nongovernmental organizations cannot replace government, but their use of power influences the direction of government and its treatment of citizens.

Nongovernmental organizations working in alliances<sup>2</sup> can mobilize social movements that can support gradual change, stimulate radical reforms, or even topple governments. The strongest social movements are woven around networks of nongovernmental associations that cross sectors.<sup>3</sup> At the international level, nongovernmental organizations have contributed to the “third force” of transnational civil society.<sup>4</sup>

In countries with weak, corrupt or irresponsible governments, nongovernmental organizations often provide services that are government’s responsibility (health, education, water, public transportation, protected areas management, etc). By providing services, nongovernmental organizations provide the basis for socio-political stability and thereby can reduce tensions between citizens and the elite powers in government, as well as open space for political negotiations to improve governance. By providing government services in such circumstances, however, nongovernmental organizations gain power that may or may not be used to improve governance. Like extractive industries and other private sector actors, conservation organizations can use their power to influence government, bypassing legitimate public involvement.

## **NGO contributions to good governance:**

Nongovernmental organizations can support good governance through a variety of mechanisms in these three areas:

- *Promoting public decision-making in protected areas design and implementation.* This is at the heart of good governance and is one of the most important contributions to good governance that NGOs can make. Experiments in diverse situations, from Peru to Indonesia, show that this approach has remarkable benefits in terms of preventing conflicts and managing issues as they arise, as well as building a sense of local ownership. Furthermore, such public decision-making is required by law in many countries.



*Pando, Bolivia. The Field Museum and Yangareko—a Bolivian NGO and the University of the Amazon of Pando facilitated a yearlong process whereby communities analyzed their own situation and then decided to petition their local governments to declare the entire 1.5 million hectares of their two municipios protected area by local ordinance – creating jurisprudence for implementing decentralization and municipio laws. The motto of the new protected area is "Conservation with Development -- Our Decision." Photo by Pedro Sarmiento*

- *Constituency building to expand citizenry interested in protecting biodiversity.* NGOs can build broad-based constituencies to support policies and protected areas, as well as to hold onto gains during times of turbulent transitions in governments and war. There are many shared interests among different sectors of civil society for protecting biodiversity. Community-based NGOs, indigenous peoples and local communities often argue in favor of the preservation of the environment. An increase in public participation in policy-making processes is perhaps the most powerful opportunity provided by global trends, because it offers protected areas a broad set of allies willing to fight for the protection of their physical environment, and creates new legitimacy for protecting protected areas.
- *Assisting governments to secure protected areas during democratic transitions.* For example, in the former Soviet Union, multiple NGOs are signing partnerships with regional governments in order to provide different ways to manage the natural park

service, ensuring local conservation initiatives and exploring new ways of decentralization for biological conservation. New institutions are growing and they have been acquiring great power and control over their territories, reducing Moscow's influence. Therefore, local governments and indigenous peoples' organizations in the former USSR have been pressuring central government to decentralize conservation management of protected areas. As regional administrations have become stronger, some managers of protected areas are responding directly to decentralize decision-making process. In different regions, different regional professional associations have been created to promote conservation coalitions.

- *Providing innovative frameworks for the implementation of programs at the local level.* NGOs have been successful at implementing conservation policies and practices with new and innovative ideas, methodologies and more participatory approaches to local populations. As private entities, NGOs may be more flexible than governments while implementing projects at the local level, enhancing chances for success. WWF Indonesia has been a leader in obtaining clear government commitment in favor of implementing collaborative management models for conservation. The collaborative scheme promoted by the NGO sector in Indonesia promotes a wider involvement of local communities in natural resource management, and it is already practiced in Bail Barat National Park, Banaken National Park, and the Kayan Mentarang National Park (Suralaga 2003 - see annex). In general, NGO networks have been a strong force behind the adoption of collaborative management schemes (e.g., the Kenya Forest Working Group in Kenya and the National Forest Management Working Group in Ethiopia).
- *Creating new and alternative information flows, and therefore supporting transparency.* NGOs can play a vital role in collecting, analyzing and disseminating information (Gemmill and Bamidele-Izu 2002) to decision makers and affected PA stakeholders. Both in areas with consolidated democracies and in those with democracies in transition, NGOs can provide an alternative information source to monitor government actions. In this way they can strongly support a more transparent society and encourage participation of diverse stakeholders in the decision-making process.

NGOs can also place local people and their organizations in the role of analysts whose analyses are accorded weight in discussions, thereby creating a new information flow input into realms of power.

- *Providing input to decision-making process.* NGOs serve as consultation bodies in the process of policy development, acting as “conduits for ideas and political pressures” (Raustalia 1997: 728). The input provided by NGOs can range from technical knowledge to people's opinions and interests. NGOs can assure local peoples' interests are heard and respected by key decision-makers. They have the capacity of reaching the general public as well as policy makers, raising awareness on certain issues and therefore influencing the political agenda and/or mobilizing public opinion.
- *Acting as critical intermediaries to negotiate between governments and groups of affected or interested citizens.* In Bolivia, for example, Wildlife Conservation Society

responded to indigenous peoples' interests in creating a protected area and assisted them to negotiate with government to create Kaa Iya – an area under indigenous ownership but co-managed with the national government.

- *Piloting controversial policies, such as co-management.* By collaborating with government agencies to implement pilots that could be supported by proposed policies, nongovernmental organizations can build *de jure* commitment by the agencies and government.
- *Collaborating in policy implementation by carrying on operational functions.* NGOs use their technical expertise, money and in some cases their detailed knowledge of local level issues to implement programs and projects, including supplying operational functions that are expensive or require human or technical resources not otherwise available. For example, in many countries, international NGOs partner with a national NGO and government to implement parks. They also provide funds for park ranger salaries, training, buffer zone economic development projects, payment for ecological services, and a wide range of other services.
- *Serving as 'watchdogs' for the enforcement and implementation of environmental policies and to ensure governmental and corporate accountability, transparency and compliance.* NGOs play a vital role in assessing current environmental conditions and in monitoring compliance at international, regional, national and local levels (Gemmill and Bamidele-Izu 2002). As organized groups of citizens they can help ensure governmental accountability and transparency and call attention to non-compliance by governments and corporations. In the United States, for example, the Natural Resource Defense Council (NRDC) has supported legal actions to ensure that the US national parks are managed under the law. Bank Information Centre monitors the World Bank's implementation of its policies. Greenpeace has assisted nongovernmental organizations in Papua New Guinea to engage government to promote compliance with logging policies.
- *Advocating for environmental justice.* Recognizing the link between environmental problems and social justice, green nongovernmental efforts are often driven by poverty and human and political rights concerns (e.g. Watts 2000: 22). Environmental issues can provide the entry point for voicing their linked social and ecological concerns.
- *Advocating for creation and implementation of due process and safe systems for recourse.* NGOs can advocate the development and active use of legal recourse against those who violate laws protecting the environment, including those engaged in logging in protected areas, harvesting of endangered species, etc. They can also keep the spotlight on whistle-blowers so that they are less likely to be assassinated or suffer unexplained accidents. In Indonesia, nongovernmental organizations have worked with local judges to better control sea turtle harvesting. In Central America, environmental law groups have brought cases to the InterAmerican Court to encourage countries to reform their own systems for recourse. In Bolivia, the Public Defender works with nongovernmental groups to protect their rights to recourse.

- *Helping groups of citizens affected by protected areas decisions to voice their needs and concerns, through improved governance mechanisms, the development of new modes of participation or support for existing ones.* In Colombia, in Tinigua National Park, the campesino association ASCAL-G has played a key role in ensuring that the National Parks System takes into account the needs of those campesinos living inside or right next to the national park. As a result of this experience, the campesino communities and the staff of the national park subsequently elaborated the management strategy for another park, Picachos National Park, jointly.
- *Providing technical expertise and information to other nongovernmental organizations and local communities.* For example, northern experts and short-term consultants can assist local communities to do mapping -- building capacity and shared knowledge. And the resulting maps can be used to bolster local rights to govern PAs. The Center for the Support for Native Lands has combined socio-cultural and ecological data to assist conservation NGOs in elucidating complex settlement and land use patterns, thereby helping to define PA establishment and management plans.
- *Facilitating dialogue between governments of different countries in order to promote collaboration for transboundary protected areas.* For example, leadership of the African Wildlife Foundation, an international NGO with regional scope, was key for the creation of the Four Corners Transboundary Natural Resource Management Area in southern Africa (a conservation area involving Zambia, Botswana, Namibia and Zimbabwe). Peace Parks between countries offer a means to cool animosities and reduce threats to biodiversity and people in border areas.
- *Mentoring local NGOs in transitional democracies.* International NGOs can assist local organizations in transitional democracy to assert their new roles in civil society. For example, through the ACCESS Initiative, World Resources Institute has initiated work with local NGOs around the world to develop indicators for freedom of access to information, which will promote improved global norms. In newly democratic Poland, the QLF/Atlantic Center for the Environment organized a workshop with the Polish Environmental Club and the Polish Environmental Stewardship Foundation to bring together park authorities and local communities after decades of conflict around Babia Gora National Park. Participants discussed their common interests and new ways of working together in conserving the region.
- *Promoting policies that promote good governance.* International NGOs can work closely as equal partners with indigenous organizations to develop policies to govern collaboration. For example, World Wide Fund for Nature (WWF) developed their lauded Indigenous Peoples Policy in a very horizontal manner by working from a draft written by the international indigenous Federation of Tribal and Traditional Peoples of the Tropical Forest (WWF 1996).

- *Forming international coalitions to protect nature.* International NGOs can use political levers to assist local NGOs and government agencies to negotiate restrictions on extractive industries. For example, North-South NGO cooperation has become a tool for Southern NGOs to ensure that their voices are taken into account in meetings that occur far away. The BioGems initiative at the Natural Resources Defense Council – NRDC in the USA - works in partnership with local and national organizations from Central and South America, supporting pre-existing local campaigns for the protection of a particular ecosystem with a particular threat. The program places the threat within the geographical range of advocacy action where the NRDC is most familiar (mostly US and Canada), and helps in developing political and legal pressures to stop the menace. In places where international groups are viewed with suspicion, partnerships with local nongovernmental organizations offer them a viable means of promoting their agendas and working collaboratively in protected areas (Russell 2003).
- *Organizing interest groups.* Urban-based nongovernmental organizations can assist local groups, including indigenous leaders, to form new higher-level organizations to represent their interests. For example, WWF Indonesia encouraged local indigenous leaders and communities to form a federation (FoMMA) to represent their interests as the co-management partner to government, rather than simply share a seat on a management board including other more powerful interests.
- *Using Bioregional approaches to build new constituencies.* For example, the Central American governments and NGOs have collaborated on creation of the MesoAmerican Biological Corridor. This initiative around protected areas is now providing a platform for Central American civil society to resist the negative environmental impacts expected from the controversial Plan Puebla Panama.
- *Taking legal cases to court.* International and national law regarding protected areas and environmental protection is evolving. NGOs aware of local problems created by extractive industry can take cases to national or international courts or other bodies with international jurisdiction, leading to further interpretation of protected area legislation. For example, NGOs in Indonesia and the US joined forces to bring a case in US courts against US-based Freeport–McMoran Mining Company for environmental damages and human rights abuses in Indonesia, at the edge of Lorentz National Park and World Heritage Site. In Ecuador, NGOs successfully petitioned the InterAmerican Commission on Human Rights to send to the Ecuadorian national government an order for precautionary measures to protect the citizens of Sarayacu indigenous community and the forests they guard against threats from extractive industry and local government leaders.
- *Providing good technical advice to political bodies.* NGOs with good technical expertise can provide technical advice to political bodies that make management decisions for protected areas. This arrangement may be ideal, if the technical advice is indeed given without political intentions, because good governance is political, but good outcomes require good information be provided to decision-makers.

- *Increasing the capacity of local and national governments for the creation and management of PAs, by providing financial resources, staff, equipment and other goods and knowledge.* In Colombia, during recent years, NGOs have been a powerful ally of the government for the management of protected areas and PA networks. NGOs have provided additional valuable resources (such as personnel, equipment or knowledge) for the management of Chingaza, Chiribiquete and Cahunari National Parks, among others.
- *Providing avenues for north-south flows of resources towards conservation.* NGOs offer alternative avenues for conservation investments to international donors who do not wish to invest in the corrupt or unstable governments of some biodiversity-rich countries. It is assumed that the resources channeled through NGOs will produce better results than those channeled through national governments in such cases.
- *Creating market-based mechanisms and demand for certified goods that support protected areas and areas not yet brought under protection.* Nongovernmental organizations have the creative space to move among corporations to create demand for 'green' products; this in turn creates incentives for governments to certify natural products such as timber or medicines. For example, Forest Ethics in USA successfully lobbied Staples to stop purchasing paper pulp from old growth forests in Canada.
- *Adapting policies to local conditions.* Nongovernmental organizations can be more effective than governments in achieving specific policy goals at the local level because they have greater flexibility and resources. National and even local governments may lack the resources or knowledge of local conditions to be successful at implementing policies, programs and projects at the small scale or community level.
- *Reducing corruption.* In many cases, if nongovernmental organizations are small and agile and have political buffers, they can achieve their objectives while avoiding corruption networks in the national government. While moving money through NGOs is a way to avoid loss of funds to corruption, it is difficult, however, for NGO and civil society pressure to actually reduce the levels of corruption within government and the circles of elites who may control government.
- *Stepping aside when the time is right.* When governments recognize local rights and responsibilities, it is a critical moment for the intermediary nongovernmental organizations to step aside and turn over power to their local counterparts, including local government.

### **NGOs' limitations and potential contributions to poor governance:**

Although NGOs can help increase the quality and quantity of social participation, favor bottom up conservation approaches, and embody the principles of cooperation and democratic checks and balances, it is important not to idealize NGOs as a "new panacea to cure the ills that have befallen [a] process" (Fisher 1997). Civil society and the nongovernment groups that are part of it embody uneven power relationships, where some stakeholders have more ability to be heard than others (Escobar 1999). Some of the more common NGO limitations include:

➤ *Creating enforcement quagmires and threatening human rights.*

Nongovernmental organizations may claim rights to enforcement without legitimate links to functional justice systems, and this can result in serious governance questions and chaotic situations. NGOs lack legitimate enforcement capability, and use of force by an NGO can undermine even the most well-planned and implemented programs and threaten civil and human rights, if appropriate legal and judicial structures are not in place.

NGOs and donors in PA conservation may inadvertently contribute to violence when they support coercive state resource management, by legitimating state use of force under the rubric of strengthening national capabilities in wildlife conservation and management (Peluso 1993).

➤ *Over-riding local political processes.*

By selecting only certain local/national partners, international NGOs can weaken the diversity of local perspectives, create new conflicts, and play a high profile political role (Alcorn 2005). Conservationists and protected areas managers are challenged to ensure that the role and diversity of local perspectives are not undermined. Ignoring local conservation and development agendas can create a backlash against international NGO cooperation and protected areas.

International NGOs who claim to speak for “planetary” biodiversity interests of global citizens often play major roles in PA decision making, but they do not necessarily represent the views of national civil society. Foreign NGOs implementing programs at the local level without explicit attention to governance issues, and without detailed knowledge of community history and dynamics, can create or exacerbate preexisting conditions of social and economic inequity and conflict in a community or a country or region.

Also, if they pay inadequate attention to local decision-making to achieve equitable distribution of benefits or fail to provide fora for discussing such issues, nongovernmental organizations can exacerbate social inequalities and increase conflicts and threats to protected areas over the long term.

➤ *Weakening national government institutions.*

Trends in governance indicate that governmental authorities are transferring management responsibilities to organized communities and civil society sectors by increasing the participation of NGOs. This creates a demand for a new role for the state – as negotiator between and across levels to ensure mutual accountability – but this role is not yet being fulfilled in most newly decentralized systems. This trend can create dependence, irresponsibility, or weakness in the governmental structure.

NGOs are, in some cases, better technically prepared than governments to carry on the environmental programs and studies required by national governments to fulfill their conservation goals and responsibilities (Hempel 1996).

As there are real “opportunity costs” for national governments to invest in biodiversity conservation efforts, governments may welcome NGO participation in PA management. Such participation allows government to instead use scarce financial resources for purposes aside from conservation, including vital needs like food production and health services. Yet if NGOs rather than government agencies gain experience and knowledge in environmental management, this weakens long-term government capacity to protect the public good and perform government functions under social control. National governments need experience monitoring and holding the new decentralized management accountable.

Others see increasing NGO involvement in public matters as the hand-maiden of neoliberal policies advocating the reduction or “rolling back” of the state and the handing over of public responsibilities to the private sector. Perceived risks of this include state neglect of some basic responsibilities and lack of government accountability for the consequences of policies to allocate and manage environmental goods (Glasser and Pisani 2001).

Problems with the para-governmental model that can emerge as NGOs increasingly participate in public affairs also include that donors may come to play too great a role in shaping policy that affects citizens in and around parks, or they may create dependencies.

➤ *Monopolizing resources.*

Elite nongovernmental organizations capture resources from multiple donors and thereby limit the diversity of civil society participation. This occurs at national and international levels. In many cases, nongovernmental organizations become consulting firms, doing the bidding of their donors instead of following a mission.

➤ *Failing to be held accountable.*

While NGOs provide critical support and means to increase social participation, it is important to note that only governmental institutions and most community-based organizations (CBOs) are accountable, based on a constituency that holds them responsible for the results. NGOs’ management of protected areas has been criticized due to the lack of accountability mechanisms and illegal use of enforcement authority. In countries with repressive regimes, conservation NGOs have not been held accountable for ignoring indigenous peoples’ rights (e.g., Clough-Riquelme 1999).

While governments face political pressure to be accountable to their constituencies, NGOs (as distinct from CBOs) do not. NGOs are by nature political actors in civil society. It would be naïve to think that the main advantage of working with NGOs is that they are apolitical. Rather, they are part of a complex system of decision-making at local, national and international levels, where micro-politics play a significant role. An increase in NGO participation by itself does not ensure a direct increase in democratic process or good governance (Chapin 2004).

- *Lacking long-term stability.*  
NGOs rise and fall, come and go. Every year new NGOs are created while others close their doors. Even more commonly, NGO capacities to manage programs rise and fall. While one year an NGO may have a numerous and capable staff, the next year may see them in a bare-bones state. When NGOs manage protected areas, NGO downsizing can result in the all-too-common “paper park” scenario. Furthermore, when NGOs take over public services formerly provided by the government to people living in and around the park, this lack of stability can have grave consequences for the local people.
- *Increasing vulnerability to donor whims and failure to support government role.*  
When private funding sources become unavailable due to changes in financial markets, changing donor interests, or political instability that makes support for NGO services in some countries suddenly less attractive to international donors, important programs and services (including some social services that were formerly provided by the state) may disappear.



*Mbya Guarani community, San Rafael National Park, Paraguay. Lack of land reform and secure tenure are serious threats where donors have failed to encourage nations to protect indigenous rights when creating new parks. See Annex for more details. Photo by Janis Bristol Alcorn.*

Donor lack of attention to the essential government role can be shortsighted (as in the Paraguay case, see Annex). Accountability, enforcement capacity, and long-term commitment to the continuation of good PA management efforts require engagement at the sub-national and national governmental level in addition to participation of nongovernmental actors. National and sub-national government involvement is indispensable precisely because much of the resources to be conserved exist outside PA boundaries, under governmental control (Murphree 1994:407). Since most environmentally “valuable” land in developing countries is claimed by governments, it is essential for governments to address insecure land tenure issues for local communities as a key challenge in PA management (Lynch & Alcorn 1994). Governments need to

address PA policies with perverse incentives that work against PA management.<sup>5</sup> Further, NGOs and other private entities cannot replace the role of government because ultimately it is legislation, rather than the “soft law” of international regimes, that backs up NGO positions and empowers human and property rights (Slaughter 1997). Governments and NGOs need to work together in ways that don’t undermine the long-term imperatives of governments’ continued roles and responsibilities in preserving biodiversity while respecting local rights.

### **Barriers to collaboration between governmental and nongovernmental sectors:**

- *Local/sub-national governments often are not recognized by donors as viable alternatives to central government or NGOs for direct investment, or as appropriate partners for NGOs in PA partnerships.*
- *Local governments and their supportive nongovernmental associations (e.g., the legally registered associations that represent each community in Bolivia, or the parastatal mancomunidad, which is an NGO formed by two or more municipal governments to receive donor funds) are often ignored by donors and by decision-makers when local governments have no formal authority over decisions about the natural resources in their domain or lack budget to implement their own programs. This happens when decentralization does not include transfer of authority for enforcement or funding for implementation.*
- *Lack of legitimacy of some NGOs from government’s perspective results in outsourcing to the for-profit private sector when decentralization is promoted.*
- *Lack of capacity of nongovernmental organizations to carry out certain responsibilities.*
- *Lack of donor coordination. When governments are weak, donors do not coordinate their support through strategies and programs established by government to coordinate development and conservation. Rather, they fund directly to nongovernmental organizations but lack a common strategy amongst themselves and create conflicting activities rather than synergy.*
- *Failure of governments to incorporate local and national NGOs in protected areas activities and decision-making, due to preference for international NGOs with their own funding.*
- *Sectoral policies in sectors outside the environment sector create tensions and barriers to implementing protected areas management by government and by nongovernmental organizations. (e.g., government policy on promoting tourism for revenue generation might conflict with conservation NGO goals of conservation, even though “ecotourism” may be part of the scheme in both.*

- *Bureaucratic sublevels of government that siphon off funding meant to go to local communities under projects implemented by NGOs.*
- *Conflicts between national and international NGO agendas*  
 Conservation is “globalized” in the sense that new relationships, coalitions and networks are possible at an international level. But globalized conservation also has negative implications for good governance at various levels, to the extent that existing north-south inequalities are reinforced by the structures and ways of doing business in “big” conservation. Below we explore the implications of these relationships for improved protected area governance.
  - *“Global” vs local constituencies:* NGOs and others who claim to “speak for planetary collective interests in ways that other actors cannot” (Sanderson 2002:167) usually come from a northern perspective that ignores or homogenizes the multiple and contradictory agendas within the environmental NGO world. It assumes an imaginary ‘planetary constituency’ and the possibility of representing it, and favors large international NGOs over small and mid-size southern NGOs. When the plural and contradictory perspectives within the environmental nongovernmental arena come to be “represented” only by large international NGOs, north-south inequalities remain status quo.
  - *National Sovereignty:* Some maintain that the increased involvement of nongovernmental actors in international forums provides expanded opportunities that develop into benefits to states, such as policy advice, performance and results monitoring, and minimization of ratification risk (Raustiala 1997), or that nongovernmental organizations can increase the limited democratic character of international decision-making forums, providing a greater platform for civil society participation. Others argue that when large international NGOs (mostly based in the northern hemisphere) apply pressure to shape the global conservation agenda, they seriously threaten or diminish the sovereignty of states in the south.
  - *Funding biases:* Many advocate that international aid for biodiversity conservation must be routed around governments (Sanderson 2002), arguing that national governments are less capable than NGOs for receiving and managing external resources. But this bias opens the situation up to transnational nongovernmental organizations to monopolize conservation perspectives, activities and policies through their control of the lion's share of donor investments in conservation.
  - *Exclusionary Partnerships:* Large international NGOs in turn desire certain qualities in a potential national or local NGO partner, qualities that many CBOs are seen to lack. Many large international NGOs see national NGOs both as more reliable partners than local grass-roots groups and as appropriate funding channels that select and manage like-minded local grass-roots organizations. One risk of this mediation is tension between national NGOs and grass-roots movements for the management and control of financial and technical resources provided by an international NGO or donor.

- *Agenda cooptation.* One of the biggest challenges in North-South nongovernmental cooperation is to avoid agenda cooptation at the national and local level. While establishing alliances based on financial support, southern NGOs must find ways to preserve autonomy and avoid becoming merely vehicles for implementing northern agendas. Some NGOs maintain their autonomy and diminish donor influence on their agendas by relying on several donors. Donors can foster improved PA governance by promoting good governance schemes. However, by choosing to fund certain local and national agendas over others, and by influencing the type of conservation policies to be implemented, they may in practice also restrict the diversity of southern agendas. The GEF-funded INEFAN (Ecuadorian Institute of Forestry, Natural Areas and Wildlife) was created by the Ecuadorian government to manage the PA system; it's focus on protecting very large areas for conservation created conflicts with provincial and local authorities whose main interest was in regional economic development (Cruz and Davis 1997:18)

### **Recommendations for encouraging NGOs to follow Governance Principles and Best Practices**

Parks Canada has prepared the Five Good Governance Principles for Protected Areas for the Governance Stream of the WPC (Graham 2003). These five principles are derived from the principles established by the United Nations Development Program in its report on Good Governance and Sustainable Human Development (UNDP 1997). These principles provide basic, ethical guidelines for achieving good protected areas governance, through attention to issues of:

1. **Legitimacy and Voice:** existence of appropriate degree of decentralization in decision-making for PAs; collaborative management in decision-making for PAs; citizen participation at all levels of decision-making; civil society groups and an independent media; high levels of trust.
2. **Direction:** consistency with international direction relevant to PAs; existence of legislative direction (formal or traditional); system-wide plans for national PA systems; existence of management plans for individual PAs; demonstration of effective leadership.
3. **Performance:** cost effectiveness, capacity, co-ordination, performance information to the public, responsiveness, monitoring and evaluation, adaptive management, risk management.
4. **Accountability:**
5. **Fairness:** existence of a supportive judicial context; fair, impartial and effective enforcement of PA rules.

Of these five, the first and the last may present some of the most challenging practical situations for nongovernmental actors seeking to improve PA governance, as they may in some instances call for social and institutional change at a scope beyond the influence of conservation nongovernmental organizations. Creating a supportive juridical context in PAs requires change at the national scale, but nongovernmental organizations concerned with environmental justice

work together with other civil society actors to promote this change – this is not something that government protected areas agencies can change.

**Some examples of how NGOs have elaborated these principles<sup>6</sup> include:**

1. Clear “Rules of Engagement”

Roles, responsibilities and rights of each party have to be clearly articulated and agreed upon by all parties involved. Often, statements of principles (collaborative management, for example) remain mere statements (no guidelines are offered for how to implement principles and no mechanisms are put into place to secure fair participation among partners/stakeholders). Such situations carry the implicit risk of legitimating asymmetrical relationships of power, influence, and privilege that might exist among the various stakeholders engaged in the management of a PA (community groups, local and regional governments, governmental agencies, NGOs, etc.).

2. “Precautionary” Principles

NGOs need to take great care not to raise unnecessary expectations within local communities. There are many cases in which local communities had the impression that supporting conservation of protected areas would automatically bring significant economic benefits to them. In other cases, local communities have high expectation about the possibilities of getting their tenurial claim met immediately by the government.

3. Protection of Community Rights

A commitment should be clearly in place to protect the rights of indigenous people and make sure their social, economic, and cultural identities are not threatened by the management of parks and are fully respected in the implementation of a collaborative model of management.

4. Transparency

The objective, target, strategies and funding of NGOs need to be communicated in a transparent way to all other stakeholders. NGOs need to be careful not to create co-optation and to create enabling conditions to allow local communities to represent themselves. It is also important that a similar requisite of transparency apply equally to all stakeholders involved in the collaborative management to avoid the recurrence of unfair practices and illegitimate agreements (reached without full consultation and open dialogue)

5. Link Conservation with Sustainable Livelihood in more effective ways

Though economic development for communities is the responsibility of government, due to the mostly limited government-led economic development initiatives, local communities have attributed this responsibility to NGOs working in their areas.

This has put a lot of pressure on conservation NGOs to creatively link their conservation agendas with sustainable community-based economic initiatives, such as eco-tourism, promotion and marketing of non-timber forest products, etc. However, for the most part, the impact of these

initiatives has been only local, and felt at local level by a limited number of people. Moreover, activities were often developed without the backing of appropriate legislation or local government support that could amplify the effects and sustainability of economic initiatives. The level of sophistication of these sustainable and equitable economic initiatives needs to be increased as we are competing with the attractive economic benefits from illegal logging syndicates, the mining industry and others who are luring local communities to help them exploit natural resources, even from within protected areas.

6. Be careful to support true representation of local communities within the cultural context.

**Recommendations for those developing guidance for CBD implementation and other outputs from the Vth World Parks Congress:**

Develop and require use of a questionnaire for assessing governance impacts of particular NGOs in protected areas management. Illustrative questions include:

1. How are local citizens involved in the decision-making processes of the nongovernmental NGO?
2. What kinds of methods does the NGO use for exchanging information with local communities residents, local government, and local organizations? How effective are they?
3. Does the nongovernmental organization have legitimate claims to represent a specific group of citizens directly affected by the protected area? In some cases their participation is required under national legislation<sup>7</sup>. If not, how does the NGO relate to such civil associations?
4. Is the nongovernmental organization taking advantage of, or promoting passage of, laws that promote good governance?
5. Does the nongovernmental organization support “knowledge-generating institutions in developing countries” (*sensu* Gemmill and Bamidele-Izu 2002)?
6. Does the nongovernmental organization promote pluricultural perspectives and creativity in adapting to a diversity of local situations, as well as sharing of lessons learned?
7. Has the nongovernmental organization created and implemented mechanisms whereby citizens monitor and evaluate the NGO's actions? Contribute ideas for strategies and priorities? Has the government used such an evaluation to better manage the NGO to respond to citizens' concerns?

## **ANNEX I:**

### **Case Studies of Nongovernmental Organizations' Actions Affecting the Quality of Protected Areas Governance (Peru, Bolivia, Czech Republic, India, Indonesia, Paraguay)**

#### **A. Peru – Parque Nacional Cordillera Azul<sup>8</sup>**

Cordillera Azul National Park, established by the Peruvian government in 2000, is the government's first experiment in private-public cooperation. The Field Museum of Chicago has collaborated with the Peruvian NGOs APECO and CIMA, and with the national agency responsible for protected areas management, INRENA, to confirm the high biodiversity of the area and initiate an ambitious effort to build local constituencies to support the park. The trademark theme of Cordillera Azul is: “we are the park”. Given that the park was declared with virtually no public participation, the NGOs are moving rapidly to build a local constituency from various stakeholder groups, including local government.

Cordillera Azul exemplifies the challenges facing protected areas in the 21<sup>st</sup> century – armed conflict, decentralization, extractive industry claims, indigenous rights issues, corruption, globalized drug trade, and a growing impoverished population. The park is located in difficult to access terrain between the Huallaga Valley and the Ucayali Valley, in northern Peru. The Huallaga Valley and the mountains of Cordillera Azul are infamous as a stronghold of revolutionary movements of Shining Path Maoists and Tupac Amaru. But the Huallaga Valley is perhaps most well known as territory controlled by international drug traffickers. Tourists are warned about travel dangers in the area. Local communities have suffered violence for some twenty years and are suspicious of outsiders and each other. The US government's anti-drug programs have created hostility, and corruption within the police and officials is not unexpectedly a problem. Satellite images and overflights reveal that coca is grown in patches inside the park and show the damage caused by illegal logging. Occidental Petroleum has agreed not to use its rights to proceed with test drilling throughout the park. Indigenous communities (Shipibo, Cacataibo and Piro) predominate in the eastern side of the park – in the Ucayali Valley. Prior to park establishment, AIDSESEP, the national organization of indigenous peoples of the Amazon, had petitioned the national government to establish a reserve for ‘uncontacted peoples’ living in voluntary isolation in the southern part of the park. Park boundaries were established to exclude communities, but over sixty communities are on the borders, with traditions of using park resources for daily needs. Over a hundred other communities and towns are also accustomed to thinking of the Cordillera Azul as a zone for recreational and commercial hunting, as well as for logging and other commercial resource extraction. A new decentralization effort – the creation of regional governments – threatens to divide Cordillera Azul into several regional parks as the regional authorities view it as source of governmental revenues from extractive industries.

Yet CIMA, their international partner Field Museum, and the government of Peru are committed to joining the global trend toward new models for building conservation on a democratic base. To initiate a participatory Master Plan for the new park, representatives from the sixty communities around the park, most of which had had little or no prior communication amongst themselves, carried out in 2002-2003 a six month process of Participatory Asset Mapping (known locally as Mapeo de Usos y Fortalezamientos – MUF) designed to enable communities to learn about the existence of the park and to deliberate amongst themselves about how they wish to collaborate in park design and implementation. Thru the MUF process, they identified local organizational strengths, mapped their traditional use areas, reviewed their own resource management trends, discussed how to better regulate their own resource use within their local government assemblies, and recommended ways that the Cordillera Azul team might assist them in protecting Cordillera Azul. The outputs of the MUF are shaping the process and design of the Master Plan for Cordillera Azul, which will be the first park to be managed by a private organization in Peru, in partnership with local governments and other national and international NGOs. Special use zones are being established in areas traditionally used by communities, and a zone for the proposed area for voluntarily isolated people is also on the drawing board. The groundwork has also been laid for working with communities to strengthen local governments' focus and commitment to the park.

## **B. Bolivia - The Gran Chaco Region of South America and the Kaa Iya National Park: Indigenous Peoples Roles in collaboration with WCS, CPI-Chaco, and Bolivian Government<sup>9</sup>**

Kaa Iya National Park (the largest intact dry forest in the world) was established through the joint efforts of a conservation organization (WCS) and three indigenous peoples -- the Guarani of Isosog (CABI), the Ayoreo Community of Sta Terecita, and the Chiquitanos of San Jose Chiquito (TURUBO). Over a period of several years, the coalition worked to establish Kaa Iya as a unique co-managed protected area. The management plan was developed by integrating natural and socio-economic information. The office of the Kaa Iya park director is located within the offices of CABI. The indigenous organizations and the conservation organization have each played critical roles at particular moments in the park's history – negotiating with the hydrocarbon industry, highway construction projects, and other powerful actors. In addition to the park itself, there are three Natural Areas of Integrated Management that are yet to be fully implemented in the buffer zone. CPI-Chaco, an NGO formed by the five indigenous peoples of the Bolivian Gran Chaco region, has recently nurtured the birth of COPICHAS, a tri-national indigenous organization representing over forty indigenous peoples whose territories ring the Kaa Iya Park.

The co-management of Kaa Iya remains an exercise in uneasy balancing of powers. CPI Chaco and CABI sought and received a grant to plant native flowering trees to demarcate and protect the northwestern border that is threatened by colonist invasions and poorly marked. The park administration initially asserted its authority to control the project through a series of administrative moves and obtusely-worded agreement drafts, but eventually backed down when the indigenous organizations refused to sign the agreements. The project then went forward

under collaborative management. The park guards and parabiologists are indigenous, and there are indigenous representatives on the Park Management Committee, but the Committee is rarely called to meet or make any decisions.

Ronald Zeballos (Chiquitano representative):

*Para nosotros los Pueblos Indígenas las Áreas Protegidas son muy importantes porque son parte de nuestra forma de vida, si estas son manejadas con el criterio y participación de los Pueblos Indígenas. El Parque Nacional y Área Natural de Manejo Integrado Kaa-Iya del Gran Chaco es la primera experiencia en Sudamérica, porque tres Pueblos Indígenas forman parte de la Administración y cuidado del Parque.*

*Los Pueblos Indígenas que forman parte son: Guarani del Isoso, Chiquitanos en la zona de Turubó, y Ayoreos de la comunidad de Santa Teresita. Están asentados en los alrededores de Parque Kaa-Iya, por eso es que en la Área Protegida no solo debiera tomar en cuenta la vida silvestre de Animales y Plantas, si no que también el ser humano y especialmente los Pueblos Indígenas, porque también son parte de la naturaleza. Y todos recursos naturales que tenga el área protegida, también queremos contar que en Bolivia los Pueblos Indígenas no solo vemos a los Parque Nacionales o áreas protegidas como [los] conservador[es] del medio ambiente.*

*La lucha para consolidar nuestros territorios tiene este objetivo, pero los gobiernos de estados no tienen esta visión proteger y conservar el Medio ambiente. El Pueblo Indígena Chiquitano ha sido y es agricultor por naturaleza, pero se practica una agricultura ecológica de subsistencia donde no se degrada el suelo ni se convierte en desierto. La comunidad Ayorea de Santa Teresita esta consolidando mas el territorio Ayoreo y controlar a los contrabandistas o piratas de los recursos naturales del territorio de Santa Teresita al lado del Kaa Iya.*

For us, the Indigenous Peoples, Protected Areas are very important because they are part of our form of life, if they are managed according to the criteria and participation of Indigenous Peoples. The Kaa Iya National Park of the Gran Chaco and its Natural Area of Integrated Management is the first experience in South America where three Indigenous Peoples form part of the administration and care of a Park.

The three Indigenous Peoples are: Guarani of Isosog, Chiquitanos of the zone of Turubo, and the Ayoreos of the community of Santa Teresita. They are living around the Kaa Iya Park, and that is why it is important to take into account in the protected area not only the wildlife of animals and plants but also human beings and especially Indigenous Peoples, because they are also part of nature. And even with all the natural resources contained in the protected area, we want to express that the Indigenous People of Bolivia do not view National Parks and protected areas as the only conservers of the environment.

The fight to consolidate our territories has this objective (to protect and conserve), but the governments don't have this vision to protect and conserve the environment. The Chiquitano Indigenous People have been and are agriculturalists by nature, but we practice

ecological agriculture that doesn't degrade the soil or convert the land into desert. The Ayoreo community of Santa Teresita is consolidating its territory and preventing the entrance of outsider resource pirates through their territory into the Kaa Iya Park.

### **C. Czech Republic – Association for the Jizerské hory Mountains<sup>10</sup>**

In 1967, the territory of the Jizerské hory Mountains was proclaimed a Protected Landscape Area (PLA) with the aim of ensuring, on the basis of scientific knowledge, proper use and regeneration of the natural environment and protection of the landscape.

During the socialist period, however, the principles of nature and landscape protection were only weakly applied. Priority was given to short-term economic aims; economic arguments prevailed and legislative protection was ineffective. Thus the exceptional natural, ecological and aesthetical value of the landscape was sacrificed. In the 1980's the forest ecosystems (originally mixed forest re-planted as spruce monocultures during the 18<sup>th</sup> century) declined as a result of air pollution and unsuitable forest management and the forest landscape changed significantly.

The present state of the environment of the PLA Jizerské hory Mountains can be characterized as the most contradictory in all of the Czech Republic. In one small area we can find large clear cuts, new reforestations and fragments of original forest ecosystems, exceptionally valuable localities with unique forest communities, peat bogs and meadows. The Jizerske hory Mts. beech woodlands form the largest uninterrupted complex in Bohemia (30 sq. km).

Degradation of the needle-leaved (spruce) forests caused by air pollution from power plants appeared as early as the 1960's. Little attention was paid to the problem, and the degree of deterioration, especially among spruce monocultures, continued to increase. Forest management could not, using its own means, eliminate the negative impacts of air pollution, but it could significantly reduce the speed of deterioration of damaged forests. In the 1980's, practically all of the damaged spruce stands on the upper plateau were cut down over a vast area in order to profit from timber, without preserving the healthy trees for regeneration of the forest.

All measures taken to regenerate the forests (cutting down the dying trees, pesticide and fertilizer applications, planting of American spruce (*Picea pungens*) stands) can be further characterized as being somewhat problematic interventions when used in mountain ecosystems. The air pollution load has slightly decreased since 1989 because of restructuring of the energy industry, but still the amount of airborne pollution is higher than on other "cleaner" European mountains.

The only way the Jizerské hory Mountains can be regenerated is to reduce air pollution load and take the necessary forest management and ecological measures to reintroduce the original tree species communities. Reintroduction is needed because the original communities are much more ecologically stable than spruce monocultures over the long run. However, these are not easy tasks. That is why the Foundation for the Rescue and Restoration of the Jizerské hory Mountains was founded in 1993. Until 1997, its only mission was to support projects aimed at revitalizing of

ecologically stable forest ecosystems and restoring a balanced landscape in the Jizerské hory Mountains region.

Frydlantsko and the northern part of Jizerské hory Mountains is located in the border region with Poland and Germany. There are 18 communities, the biggest of them being Frydlant with about 8,000 inhabitants. There are 24,500 permanent residents living in the whole region.

In the past Frydlantsko used to be a rich region, with successful agriculture and a textile industry that benefitted from the easy connection to Luzice region in the north. Most of the original German inhabitants were forced to leave after World War II in 1945, the state border was turned into a barrier, and the historical ways of land use (agriculture, forestry, etc.) were interrupted. The 1950's marked the start of environmental problems: the ecological collapse of forest ecosystems in the Jizerské hory Mountains, bad air pollution resulting from burning poor quality brown coal in power plants, and depletion of soil and water quality by using chemicals in agriculture. Nowadays the quality of the environment is slowly improving, but there still exist economic and social problems: the closing of textile factories, the collapse of agriculture, a high unemployment rate (above 20% in some communities), a low level of education, many unqualified workers, and young people leaving the region.

Until 1997, all projects run by the Foundation were focused on supporting concrete forest management measures in the most valuable parts of the Jizerske hory Mts. Major change in the Foundation's mission and activities resulted from a Landscape Stewardship Exchange (LSE), which took place in the northern part of the Jizerske hory Mts. and in the Frydlantsko region in October 1997. This first participatory project began a new period in the Foundation's activities. We began to understand that, without communication with local people, without their participation in planning and decision-making processes, no lasting positive changes could be achieved.

From the LSE final report:

"We believe that the future development of Frydlantsko depends upon the wise use and stewardship of already existing natural and cultural resources and heritage. Stewardship, to us, means thinking and working in a way that values the relationship between people and the landscape they live in. It means taking care of the land we belong to – so that the land can take care of us. Being a wise steward of these important and strong local resources means:

- Depending upon local strengths, knowledge, and people, rather than looking to the outside to set new directions and provide leadership;
- Conserving and restoring the natural wealth of the landscape as the foundation of human wealth in the region and to enable development to benefit present and future generations in Frydlantsko;
- Developing activities and events in a way that conserves and improves valuable natural and cultural assets;
- Educating young people about the natural and cultural heritage of the region and promoting local patriotism; and

- Working to prevent damage and mistakes rather than correcting them afterward."

This message was taken as a basis for further activities.

Various projects inspired by the LSE were successfully implemented, owing especially to the fact that: 1) the LSE local organizing committee was diverse, bringing together different stakeholders active in the region; and 2) that the LSE itself produced a lot of interesting ideas, energy and optimism. Building on acquired contacts and experience, and acting in cooperation with the PLA administration, other NGOs, local governments and businesses, the Foundation implemented several interesting projects:

- 1999: "Smedá – Our River", (a year-round community project including concerts in the villages, an art competition for schools, environmental programs for schools, the creation of opportunities for local people to meet and express their opinions about the future development of the region, a program giving the people information about sustainable development with respect to local landscape patterns and natural and environmental values).
- 1999: Frydlantsko Civic Association established and involved in projects.
- 1999 – 2000: Seminars on Local Agenda 21 and Community Visioning (for state officials, mayors, local authorities and NGOs).
- 2000: "Pohodová cyklotrasa" and other biking paths created (built biking paths along the Smedá River, connected these with an information campaign on opportunities for environmentally friendly tourism, a Greenways programme, and opportunities for a sustainable economy based on local sources).
- 2000: "Dream About Frydlant, Dream about Jizerské hory Mountains" (a community visioning programme involving the public in formulating development strategy. People learned to express their opinions, listen to other opinions, cooperate in the process of community visioning, and participate in implementation of concrete projects resulting from the community visioning process).
- 2000 – 2002: Women's Rural Community Leadership Training Programme (5 women from the Jizerske hory Mts. and Frydlantsko participated in a 14 day study trip in the USA, in workshops on strategic planning, community visioning, management, etc. A functioning network of about 50 women's rural leaders created a good basis for further cooperation and learning.)
- 2001 – 2003: Rural Livelihoods Programme (a project focused on sustainable development in rural areas in the Czech Republic, Poland, Slovakia, Hungary and Germany).
- 2003: Heritage Interpretation as a Tool for Public Participation (designing 30 heritage trails and 5 Valley Quests in cooperation with 18 communities and a number of schools and NGOs in the Frydlantsko region).

Since 1999, the projects have been implemented by the Association for Jizerske hory Mts., in close cooperation with the Foundation.

Especially positive results of various projects implemented in the region since 1997 are the following:

- There exists a group of active people, some of them real local leaders, who are networking, cooperating on a number of projects, permanently learning, sharing their experience, and serving as positive examples for other people.
- There exists a team of experts (whose orientations span landscape management, forest management, economics, tourism, urban planning, etc.) focused on the Frydlantsko region, offering their expertise when needed.
- There is very good cooperation with the mayors of several communities in the Frydlantsko region.
- We are in contact with various civic organizations, clubs, etc. that are active in the Frydlantsko region.
- Foreign experts (from Great Britain, Germany, USA, Poland, The Netherlands, Slovakia) were brought to Frydlantsko.
- The Frydlantsko Civic Association was established, which step by step takes over various projects in the region and serves as independent platform for discussions, activities, etc.
- We have good cooperation with state authorities acting in the Frydlantsko region, especially the PLA administration.
- We have good cooperation with schools.
- We are cooperating with a new association of communities – Micro region Frydlantsko.
- We established cross-border partnerships with German and Polish organizations, including implementation of shared projects.
- Communication between citizens, local authorities and the PLA administration has improved significantly.
- The idea of public participation in planning and decision making processes has been introduced and the first (positive) experience gained.
- We help people to express their opinions, ideas, hopes and fears connected with future of their communities, to evaluate those and to share them with local authorities and the PLA administration.

- We help people to formulate concrete projects which they themselves can implement and which can improve the quality of life in the community and their self-confidence.

Today the Association for the Jizerske hory Mts. runs projects in 4 programmatic areas:

1. Nature and landscape management (practical measures, especially on the PLA territory: reforestations, planting new alleys, building facilities for tourists, building learning paths, etc.)
2. Environmental education (seminars, lectures, publishing leaflets, brochures, guiding field trips, cooperation with schools, building our own environmental education centre in the mountain settlement Jizerka, etc.)
3. Sustainable development of communities (facilitation, mediation, leading of participatory processes, educational activities and seminars for different groups of stakeholders, networking, consultations, etc.)
4. Development of non-governmental organizations (consultations, educational activities such as seminars, networking, electronic bulletin "Open door", campaigns, etc.)

The Foundation for the Jizerske hory Mts. became a grant-giving foundation with the endowment of 30 millions Czech crowns (about \$1 million US). Its grant programs are focused on three areas:

1. Revitalization of forest ecosystems and research activities focused on forest ecosystems under air pollution impact
2. Sustainable development of communities
3. Environmental education

Concrete projects are usually discussed with the PLA administration and implemented in close cooperation with PLA experts. Generally, there are several activities of the Association for the Jizerske hory Mts. which are closely bound to the PLA management and governance:

1. Carrying out concrete management measures in the field
2. Facilitation, mediation, offering of an independent space for communication, and conflict resolution
3. Bringing in new ideas, contacts, information, innovative approaches
4. Serving as a source of financing/co-financing

All these roles are needed and appreciated, while several other NGOs in the region complete the picture by operating as campaigners, volunteer workers in the field, opponents, critics, etc.

Together we create a vibrant environment based on democratic principles of civil society.

## **D. India – Andamans Islands<sup>11</sup>**

The Andaman Islands are divided into the Andaman and Nicobar groups of islands. They have an area of 8,249 km<sup>2</sup>, and stretch 700 kilometres from north to south. The Andaman Islands are composed of over 300 islands, and only 38 are inhabited. The population in 2001 was 356,265. The mean annual rainfall is 3180.5 mm, with temperature ranges from 18°C to 34°C. The total coastline is 1,962 km.

### **The people of the Andaman Islands**

*The main tribal groups inhabiting the Andamans are the following: Great Andamanese, Nicobarese, Onges, Sentinelese, Shompens, and Jarawas. Other relevant human groups in the islands are: convicts and their descendants, early settlers, ex-servicemen, Karens, East Bengalese refugees, recent settlers, and encroachers.*

### **Biodiversity Values**

The Andaman Islands are an internationally acknowledged hot-spot for biodiversity, with over 3,552 species of flowering plants (223 endemic), 5,100 species of animals (100 freshwater, 2,847 terrestrial, 503 endemic), 4,508 marine species (220 endemic), 52 species of mammals (33 endemic), 244 species of birds (96 endemic), and 111 species of amphibians and reptiles (66 endemic). The coral reefs of the Andaman Islands are the second richest found in the world, and they are estimated to cover around 11,939 km<sup>2</sup>. The Andaman Islands have the largest reef formations of the Indian sub-continent, containing as many as 197 species belonging to 58 genera. Large tracts of coral and the four west coral banks of the Andamans have yet to be surveyed. Seagrass beds occur in shallow coastal waters and sheltered bays. Highly threatened marine animals, such as dugongs and marine turtles, use this habitat essentially as a feeding ground.

The main forest types are: andaman moist deciduous forest, andaman tropical evergreen forest, giant evergreen forest, and mangroves. There are reportedly 2000 species of which 14% are thought to be endemic. The WCMC has recorded 365 species of plants in the Andaman & Nicobar Islands as threatened. The marine biodiversity includes more than 1,200 species of fish, 350 species of echinoderms, 1,000 species of molluscs and many more lower forms of life.

### **Status of Protection**

About 6% of the total land area is under protection in 105 protected areas. Over 91% of the land area designated as forest area and a very small proportion of the marine area (less than 1%) is under protection. However, the islands face several threats. Among these are the extraction of timber to feed wood-based industry and for export, the conversion of natural forest into plantations, the planting of exotic commercial species like oil palm, rubber and teak, human encroachments on forest land, construction and operation of a trunk road cutting through forest and tribal lands, mining of sand, and inappropriate tourism.

## NGOs and Legal Intervention

To achieve the protection of the Andaman Islands, three NGOs filed a case in the Supreme Court of India. These NGOs are Kalpavriksh, the Society for Andaman and Nicobar Ecology (SANE), and the Bombay Natural History Society (BNHS). In response, the Supreme Court appointed a Commissioner to study and report on forests and related matters.

Based on the recommendations of the Commissioner, the Supreme Court ordered as follows:

- No supply of local timber for use by industry
- No transport subsidy to wood-based industry
- No export of timber or commercial wood products out of Andaman and Nicobar except based on imported timber
- Cutting of trees banned in un-worked forests, in tribal reserves and in Little Andamans
- Local needs to be met by using already felled trees, cutting plantations and extracting from already-worked forests.
- Conversion of worked forests to near natural forests
- Treatment of timber
- Conversion to Assam type construction
- Closing down of the Forest Corporation
- Closing down of saw mills
- Expansion of the PA network
- Clearing of encroachments from forest land
- Development and implementation of employment schemes
- Regulation of entry into islands using the inner line permit
- Issuance of identity cards to all residents
- Closing down of the Andaman Trunk Road
- Extraction of sand reduced by 20% per year to bring sand mining to 33% of present level within 5 years
- No concrete or permanent infrastructure for tourism to be built on any forest area in the Islands.
- Eco-tourism based on the principles of dispersion and flexibility
- Tourist activities in forest areas to be restricted to tented accommodation or temporary wooden/prefabricated structures that can be dismantled easily and moved to another site.
- Ship-based tourism also allowed

In addition, some of the miscellaneous orders of the Supreme Court resulting from this case are aimed at strengthening the Forestry Department to combat poaching, ban the introduction of exotics, set up Joint Forest Management Committees to protect forests from poachers and encroachers, improve transparency in the forest and environment department, require all officers to undergo an orientation course, and create an Island Development Institute.

## **E. Indonesia – Kayan Mentarang National Park<sup>12</sup>**

Promoting good governance has become a crucial issue in Indonesia, as the country continues to be entangled in a web of economic crisis, corruption at all levels, and political and social instability. These problems affect the management of protected areas in Indonesia, which currently concerns 407 parks in total, covering 18.3 millions hectares of terrestrial and 4.7 million hectares of marine protected areas. As in many other countries, most protected areas in Indonesia are “paper parks”. By law, park management is the responsibility of the central government. Constraints to ensuring good governance in park management in Indonesia include: inadequate participation of local communities, unresolved tenurial conflicts, inadequate funding, a centralized approach, and the level of poverty in/around protected areas. Poor governance and the lack of resources and capacities make most parks inadequately managed. The participation of civil society in park management is often critical for the survival of forests and species.

WWF considers good governance a prerequisite for effective park management. Key features of good governance that often need to be built and nurtured are: meaningful participation by credible representatives of local communities, transparency in decision making, as well as a commitment to and mechanisms for accountability between different stakeholders. The most important elements are efforts to ensure that local communities have their interests effectively addressed and that they are empowered to be able to fully participate in the governance process. That is why WWF Indonesia spends about half of its program budget for community empowerment initiatives, which include developing sustainable livelihood programs for local communities.

WWF Indonesia’s experience in promoting good national park governance and management in Kayan Mentarang shows that a collaborative multi-stakeholder process may serve as a good pathway to strengthen governance. The organization of an effective multi-stakeholder process is as important as developing the substantive knowledge needed for the design of park management. Perseverance and the need to ensure high quality technical inputs in facilitating the process are key lessons learnt in promoting good natural resource management. To push for more structural changes, WWF Indonesia collaborates with other NGOs in promoting policy reforms at the local and national level, which relate to good governance in natural resource management.

WWF Indonesia is currently working in 28 protected areas in Indonesia. This paper discusses the issue of a model for good governance of conservation areas. Although focusing on the WWF experience in Kayan Mentarang National Park, it draws upon lessons learned from other protected areas as well.

### **Policy Framework for Park Management in Indonesia**

The management of conservation areas is considered an exclusive right of central government (as a result of state property). Various relevant laws and regulations have created room for

ambiguities in terms of mandates and responsibilities to implement conservation management, especially at field level.<sup>13</sup>

The establishment of protected areas used to be done by the central government alone, i.e. the Ministry of Forestry, and implemented by its respective working units. Decisions were often made without input from local communities or local governments, even though consultation with those sectors might have gained their buy-ins, especially in sharing responsibilities to implement park management.

On January 1, 2001, Indonesia embarked on an ambitious process of decentralization that establishes a greater responsibility of local government in managing local natural resources. However, the implementation of Law 22/99 on regional autonomy and Law 25/99 on natural resource revenue sharing between central and regional governments has resulted in some confusion of authority and uncontrolled exploitation of natural resources. The decentralization euphoria also results in inconsistencies in government policies.

Indonesia's parks management is thus situated in a context of a lack of resources and capacities and a legal and regulatory framework that is not clear. This makes it all the more necessary to join together all parties who have a stake and involve them in park management, so as to ensure the sustainability of conservation action in a targeted or protected area.

### **Good Governance in the Kayan Mentarang Conservation Area**

The Kayan Mentarang National Park, covering an area of 1, 360,500 hectares, is situated along the border between Malaysian states of Sarawak and Sabah and the Indonesian districts of Malinau and Nunukan in the East Kalimantan Province). The area is considered one of the world's ten biodiversity hotspots. It consists of species-rich dipterocarp lowland and hill forest, as well as mountain forest up to 2,000m.

Approximately 21,000 Dayak people from more than a dozen ethno-linguistic groups (such as the Kenyah, Punan, Lun Daye and Saben) live in approximately 50 villages on the park's edges. Historical remains testify that Dayaks have occupied this area for at least 350 years. Ten Customary Land areas (*Wilayah Adat*) have part of their traditional land inside of the National Park. About half of the people living around the park are shifting cultivators and the rest farm mainly irrigated rice. All the shifting cultivators and many of the wet rice farmers depend on hunting, fishing and wild plants for a large part of their subsistence needs. To obtain cash, they collect and sell forest products, such as rattan, cinnamon, *gaharu* (aloes wood or agar wood), bezoars stones from leaf monkeys and porcupines, and songbirds, from nearly all of the park and its buffer zones. The people are self-sufficient in the production of food and various materials (Management Plan Kayan Mentarang National Park, 2001-2025).

Kayan Mentarang was established in 1980 as a nature reserve, which implied that no human activities were allowed inside the protected area. This situation created a lot of resistance from local communities as their rights to continue their economic activities inside the area were denied. Starting in 1991, WWF Indonesia, together with LIPI (the Indonesian Institute of

Scientific Research) and local people conducted a long-term sociological study of the local communities and led a process of experimental community mapping to show that the communities had rightful claims to the land and its resources. The results represented the basis to recommend a change in status from Nature Reserve to National Park, which was subsequently legally sanctioned by the Ministry of Forestry. National Park status implies that the local communities are allowed to carry on traditional activities inside the park.

Since its initial involvement in Kayan Mentarang in 1991, WWF has been involved in supporting the following major activities or steps forward:

- a) 1991-1995: undertook sociological research, establishment of the Lalut Birai forest research station and local biological survey, and initial experiments in community mapping.
- b) 1995: in cooperation with the Provincial Department of Forestry of East Kalimantan, proposed a revision of the reserve boundaries.
- c) 1996: Ministry of Forestry confirmed change of status to National Park
- d) 1997-2000: together with the government and local communities, worked on developing the Management Plan of the Park, including: community mapping, participatory planning, biodiversity expeditions, recommendations for change in the boundaries of the conservation areas, etc.
- e) 2000-2002: Facilitated for and established the Collaborative Management Mechanism, backed up by a Decree of the Ministry of Forestry, April 2002

The involvement of local stakeholders started from the beginning of WWF's engagement and has been a part of project planning, organization, implementation, monitoring and evaluation. Participatory village mapping, community-based eco-tourism programs, and a biodiversity survey in Kayan Mentarang national park have all been good examples of how local indigenous people and other key stakeholders can be actively involved in park management planning. We will elaborate some elements in the following sections.

### **Participation of and Relationship with Local Communities**

The long process of consultation and facilitation conducted by WWF in the indigenous communities of the Kayan Mentarang conservation area has helped the formation of FoMMA (Forum Masyarakat Adat), the alliance of the indigenous peoples of Kayan Mentarang. The alliance between FoMMA and WWF created a solid format to push for the right of indigenous people to participate in the management of the Kayan Mentarang National Park, in particular at various levels of government.

An important tool in support of WWF's relations with the community were the maps produced by community mapping exercises, which were used in the management planning process. The maps were very helpful as a participatory tool to empower communities and further explore the interactions and needs of the forest-dependent communities, and to document evidence in support of claims over their territories.

It is very important for the Dayak people to fight for and obtain tenurial security, as their livelihoods to a large extent depend on resources like land, forest, and forest products. They have

very little power and legal control over the forest, which is legally and technically owned by the state, although Dayak people have been living there for more than 350 years. As the result of having organized local communities into FoMMA, the indigenous people in Kayan Mentarang are now fully granted rights to participate in the “collaborative management” scheme of the park.

However, working closely with local communities also comes with certain risks, as expectations may be high and will not always be satisfied. For example, a process to review the boundary designation of the National Park and recommend changes was facilitated by WWF in all the communities of the Kayan Mentarang Park, which resulted in a request to revise the original boundaries of the park. Recommendations for boundary changes were submitted to the government as part of the Management Plan in 2000, but no official response nor action has been taken so far. Even though this lack of response from the government is beyond the authority of WWF, it affects WWF’s credibility. Since WWF is the “closest agent of change” interacting with the local community, the community expects WWF to be able to ensure the realization of its aspirations.

### **Relationship with the Government**

WWF Indonesia has a Memorandum of Understanding (MoU) with the Ministry of Forestry. While maintaining its independence as an NGO, WWF works very closely with the Ministry at the national, provincial and district levels, including in its work in Kayan Mentarang.

In the first phase (1991-2000), the provincial government agency (BKSDA) was largely "absent" from the field and mostly not involved in WWF activities in Kayan Mentarang, with the exception of consultation meetings. In the implementation phase (2001-present), the government agency is actively involved in WWF led activities. WWF has received a grant from the International Tropical Timber Organization (ITTO) for its joint activities with the Indonesian government related to Kayan Mentarang National Park. As both WWF and the Forestry Ministry are the Executing Agencies of the grant, at times rules concerning the respective roles and responsibilities of WWF and the government become unclear. The fact that the management of funds has been allocated to WWF Indonesia sometimes causes a lack of clarity in lines of accountability and responsibility and in the roles of the institutions involved. For example, WWF, de facto, has to oversee the physical construction of the Kayan Mentarang Management Office, something that is not part of WWF’s mandate and expertise as a conservation organization.

In a more positive light, the collaboration between WWF and the government has made possible the dialogue that has led to the commitment (de jure) on the part of the government to the collaborative management of the Kayan Mentarang National Park.

### **Collaborative Management**

The Collaborative Management scheme in Kayan Mentarang National Park was formalized through a Ministerial Decree from the Forestry Department in 2002. The decree, providing legal status to the collaborative management system of the Park, was the first such decree in the country and still remains the only one.

In the newly established Policy Board of Kayan Mentarang, the indigenous communities of the ten customary lands are represented (through FoMMA), as are the conservation agencies of the central government (through the Provincial Nature protection Agency/BKSDA), and the local District governments (through the two District Heads of the areas covering the Park).

Collaborative management supports the function of the government, and it responds to the spirit of decentralization. In February 2003, NGOs (including WWF) and the Ministry of Forestry organized a workshop on collaborative management of conservation activities in Indonesia. The workshop produced a commitment from the participants (government and non-government) to develop and implement a collaborative management approach. Notably, this effort will be supported by clearing-up the inconsistencies in the current regulatory framework. The workshop is being followed up by a small team (Task Force) that is to draft a relevant presidential decree, a government regulation (*Peraturan Pemerintah*) and practical guidelines for implementation based on experiences of collaborative management implementation in several parks.

### **Monitoring and Evaluation**

Representatives of local communities have been involved in evaluation sessions with regard to the implementation of specific activities and use of participatory tools. Topics of evaluation have included community mapping, awareness-raising and qualitative evaluation of natural resources. But the overall evaluation (internal and external) of programs and activities has been weak.

Specific evaluations requested by the donors have also taken place, but these have involved only a limited number of stakeholders and have targeted the performance of particular activities or were activity output-oriented (did the activity take place? yes/no) rather than directed at evaluating overall performance of NGOs and the "suitability" of their roles. The role of government agencies has never been evaluated in the context of the design and management of the conservation area.

A thorough assessment of the interactions among stakeholders and between WWF and stakeholders related to WWF's facilitated activities needs to be conducted. Though this process will be time consuming and costly, we expect it will provide important lessons for the improvement of governance, especially in the growing collaborative management sphere.

### **Main Lessons and Challenges**

The presence of multiple interests within a conservation area often induces multiple conflicts or at least tensions between different concerns. Therefore, multi-stakeholder engagement in managing a conservation area is needed to ensure the sustainability and effectiveness of conservation action. The following principles to maintain a working relationship among parties at stake were derived from lessons learned through WWF experiences in supporting the implementation of protected area management over almost two decades.

## **1. An organizational commitment to promoting good governance**

WWF Indonesia has developed a perspective that guides its work on park management. Good governance is essential and it will not be achieved unless local communities' rights, interests and voices are respected. But local communities are often on the weak end of the power balance with local and national authorities, with businesses and even with international organizations. Therefore, WWF Indonesia has prioritized its efforts to secure the recognition of local peoples' rights to forests and resources, and to building local peoples' sense of ownership vis-à-vis the conservation area to ensure their support and effective participation in park management.. Working with local communities is part of the core business of a conservation organization and it requires major resource allocations.

## **2. Clear “Rules of Engagement”**

Roles, responsibilities and rights of each party have to be clearly articulated and agreed upon by all parties involved. Often, a statement of principles (collaborative management, for example) remains merely a statement, with no guidelines offered for how to implement it and no mechanisms to secure fair participation among partners/stakeholders). This situation implicitly risks further legitimating asymmetrical relationships of power, influence, and privilege that might exist among the various stakeholders engaged in the management of the protected area, such as community groups, local and regional governmental agencies, NGOs, etc.

## **3. “Precautionary” Principles**

NGOs need to take great care not to raise unrealistic expectations within local communities. There have been many cases in which local communities had the impression that supporting conservation of protected areas would automatically bring significant economic benefits to them. In other cases, local communities have had high expectations about the possibility of having their tenurial claim met immediately by the government. Clear written records of any agreements and commitments made are very useful.

## **4. Protection of Community Rights**

A commitment should be clearly in place to protect the rights of indigenous people. It should ensure that their social, economic, and cultural identities are not threatened by the management of the park and are fully respected in the implementation of a collaborative model of management.

## **5. Transparency**

The objectives, targets, strategies and funding of NGOs need to be communicated in a transparent way to all other stakeholders. NGOs need to be careful to prevent any suggestion of co-optation and rather create conditions that enable local communities to represent themselves. It is also important that a similar requisite of transparency apply equally to all stakeholders involved in the collaborative management process to avoid the recurrence of unfair practices and illegitimate agreements (reached without full consultation and open dialogue). Thus international donors and government agencies also need to be open and transparent.

## **6. Link Conservation with Sustainable Livelihood in more effective ways**

Though economic development for communities is the responsibility of government, local communities often tend to put this responsibility to NGOs working in their areas, a situation due largely to the limited nature of most government-led economic development initiatives..

This puts a lot of pressure on conservation NGOs to creatively link their conservation agenda with sustainable community-based economic initiatives, such as eco-tourism, promotion and marketing of non timber forest products, etc. However, for the most part, the impact of these initiatives has been localized, and felt at local level by a limited number of people.

Moreover, activities were often developed without appropriate legislative or local government support that could amplify the effects and sustainability of economic initiatives. The level of sophistication of sustainable & equitable economic initiatives needs to be increased as we are competing with attractive economic benefits from illegal logging syndicates, the mining industry and others who are luring local communities to help them exploit their natural resources, even from within protected areas.

## **7. Sustaining credible representation of local communities**

The establishment of a "federation" among the indigenous groups inhabiting the Kayan Mentarang National Park is to a great extent the result of the initiative of WWF in collaboration with a group of customary leaders. That collaborative initiative was especially important in advocating that the "federation" take on the role of "manager of the National Park" rather than merely being a part of the park steering committee, as was suggested in the initial proposal). Although based on solid, traditional authority and customary "adat" legitimacy, the federation (FoMMA) still lacks in management capacities, and the support it enjoys among the communities that make up the National Park could be further enhanced. Its "local" role needs to be strengthened if FoMMA (and therefore the indigenous people) is to play an effective role in the collaborative management of the park and guarantee the balance of power with other stakeholders that is necessary to ensure good governance.

Throughout the undemocratic rule of Soeharto, local institutions in Indonesia were ruined. This was true also for the most traditional organizations. Therefore, (re) developing traditional/adat institutions like FoMMA, requires constant nurturing and a long term commitment. Neither is there any reason to be romantic about the will to cooperate among local communities. Without incentives or clear gains, they may contradict or fight one another. There are no "quick wins" in this kind of local institution building. Failure to invest the necessary time and resources can result in a local institution that, once established, serves only as a showcase rather than a credible and effective representation of local community interests.

## **The Road Ahead**

Managing power relations and maintaining trust among different stakeholders will be crucial, yet remains a very big challenge. Given the current social, cultural, economic and political context of Indonesia, and taking into account the size and dispersion of the protected areas in the country, more commitments from the national as well as the international community are necessary to promote good governance in protected area management in Indonesia.

Furthermore, creativity and innovative approaches, especially those aimed at increasing the participation of other stakeholders such as the media, the private sector and local and national parliament, could be instrumental in pushing for good governance in protected areas management.

## **F. Paraguay - San Rafael Protected Area**

### **Multiple issues confronted by nongovernmental efforts to save the remaining Atlantic Forest<sup>14</sup>**

San Rafael National Park (70,000 hectares) was formally declared, with much fanfare, at Rio de Janeiro's Earth Summit in 1992, as part of the Paraguayan government's effort to save the last of the Atlantic Forest. The national park was never implemented because the government never committed the funds to purchase the privately owned lands needed to create it. In 2001, San Rafael was downgraded to a "managed resource area" to be managed by the landowners as a private reserve. The exploding global soybean market has decimated the forests of Paraguay in the past decade, and the area of San Rafael holds one of the last stands of Atlantic Forest remaining in a sea of soybeans bathed in pesticides and herbicides. The lands of San Rafael continue to belong to private owners and the area is plagued by the usual conflicts over titles that are typical of tenurial and title situations in many countries with paper parks. Some of the private owners are indigenous communities with titles, other areas belong to absentee owners, and some belong to banks that have foreclosed on private owners who defaulted on their mortgages. Many of these lands have been invaded by *campesinos* (small holder peasants). All of the land is the traditional territory of the Mbya Guarani people, and some communities are still attempting to avoid contact with any outsiders by hiding in the forest, in the interior of what is now designated as San Rafael.

Paraguayans have never benefited from land reform, so *latifundios* (large holdings) put the vast majority of Paraguayan lands in the hands of a few elite families. The resulting campesino movements are manipulated by political parties. The heritage of a brutal dictatorship is still heavily suppressing any democratization trends, while the embrace of privatization via the 'liberalization policies' of the global market has created a situation in which the state is almost nonexistent in its role of supporting the public good and protecting its citizens. Despite Paraguay's signing of ILO 169 and the presence of strong legislation supporting the territorial and procedural rights of indigenous peoples, the Mbya Guarani communities of the Atlantic

Forest were rapidly displaced by the soybean fields, reduced to surviving in the garbage dumps of the cities or in the small ravines where soybeans could not be planted. Mbya communities only began to create an association to represent their interests in 2002, probably too little too late to do more than try to slow the ethnocide they are suffering. Doctors Without Borders found pollution levels in some of their waters to be poisonous. The situation is grim and deserves greater study for lessons about the endstages of the processes that are only beginning in other areas of the world. It may teach what to avoid and what might be possible to recover at the end.

Major donors have attempted to incorporate support for San Rafael in their projects – for example a World Bank loan for development in the department (province) included provisions for purchasing the lands from private owners for the indigenous communities that live on those lands, but the Paraguayan government did not provide matching funds as promised under the loan.

By the end of 2002, small-holding campesinos had invaded private lands, some of which were then ceded to the campesinos by the government, creating a geographic and strategic slice into the heart of the area originally designated for protection. Parts of the original area have been deleted so that the landowners can extract resources, and degraded areas were added in their place. A small group of landowners, led by the local NGO Procosara with guidance from the national NGO Moises Bertoni and its spinoffs Guyra and NATURAL Land Trust, has attempted to turn this tide for years. They have hired private armed security guards ‘to protect private property’ and forests of the San Rafael landowners who have joined the local NGO. According to local residents interviewed in 2002, the police did nothing to control crime unless they were paid bribes. Campesinos are violently attempting to force indigenous communities off their lands and the indigenous communities have no protection. Environmental laws that mandate local landowners keep forest on their lands are not enforced. Landsat imagery demonstrates the rapid continuing transformation from forest into soybean fields.

A new \$10 million UNDP GEF project is attempting to rescue San Rafael, as are NGO initiatives for sustainable forest extraction and ecotourism. The fate of the Mbya Guarani is tied to the survival of the forest but there is little communication between them and the conservation NGOs, who are more interested in trying to engage the campesinos. Mbya Guarani leaders warn that there are no animals left in the forest and that in five years there will be no forest. San Rafael stands as a canary collapsing in the mineshaft, illustrating the effects of poor governance under a weak state that embraces the global market as its guide.

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## Notes

<sup>1</sup> see ILO 169 Treaty at <http://ilolex.ilo.ch:1567/cgi-lex/convde.pl?C169> , summarized in Forest Peoples Programme, WRM Bulletin 73, World Rainforest Movement, August 2003 - English edition. See [www.forestpeoples.org](http://www.forestpeoples.org) for other supporting documentation.

<sup>2</sup> For an excellent, practical analysis of alliance building, see The Policy Project, 1999. Networking for Policy Change: An Advocacy Training Manual. The Futures Group, Washington DC.

<sup>3</sup> For elaboration of the complex weaving process, see Doug McAdam's political process model, in Political Process and the Development of Black Insurgency 1930-1970. University of Chicago Press, 1982; and McAdam, Doug, S.Tarrow, and C.Tilly, Dynamics of Contention, Cambridge University Press, 2001.

<sup>4</sup> See Ann M. Florini, The Third Force, Carnegie Endowment for International Peace, 2000.

<sup>5</sup> For example, in Arusha National Park in Tanzania, land tenure insecurities arose when villagers feared park boundaries were to expand further into common grazing lands. Villagers began moving to occupy and plant permanent crops in those areas (Neumann 1995:94)

<sup>6</sup> Based on Dewi Suralaga's case study from Indonesia (see Annex).

<sup>7</sup> In the case of indigenous peoples, organizations that represent local interests are in some cases considered government. For example, in Colombia the local or regional indigenous *cabildo* associations are often considered local government. As a result of this, these associations, during their negotiations with government agencies, refer to this process as a dialogue between authorities.

<sup>8</sup> Drafted by Janis Alcorn from field notes.

<sup>9</sup> Drafted by Janis Alcorn from field notes and information from Ronald Zeballos, CPI-Chaco and TURUBO.

<sup>10</sup> Blazena Huzková, Jizerské hory Public Benefit Organization

<sup>11</sup> Adapted from the power point presentation "Saving the Andamans: NGOs and Legal Intervention", by Shekhar Sing.

<sup>12</sup> Written by Dewi Suralaga, WWF Indonesia

<sup>13</sup> The most important are: UU No. 41, 1999 concerning the main rules of forestry, UU No. 4, 1982 regarding the principles of environment management and UU No.5, 1990 concerning the conservation of natural resources and ecosystems.

<sup>14</sup> Derived from Janis Alcorn notes from a visit to San Rafael with Guyra and LANDTRUST, December 2002, as consultant to The Garfield Foundation.

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