

Policy pointers

Transformative change requires governance that is not only inclusive but also equitable in terms of respect for rights, participation in decision making, transparency, rule of law, dispute resolution, and sharing of costs and benefits. Replace "participatory" with "equitable" in the post-2020 Global Biodiversity Framework (GBF) paragraph 15.

Rights-based approaches (RBAs) are a powerful way of promoting equitable governance. RBAs should be elevated to the start of the enabling conditions section (paragraph 14) of the GBF, and additional text added to indicate that they apply to human, civil and site-specific rights.

Equity in the context of conservation is largely a matter of governance, not management. In GBF Target 3 on protected and conserved areas, replace "equitably managed" with "equitably governed" (aligning with the monitoring framework).

The strategy to realise GBF Target 3 should prioritise devolution of authority to site level and building equitable governance at this level. Add devolution of authority and broad-based alliances to enabling conditions, paragraph 17.

Global Biodiversity Framework: equitable governance is key

The post-2020 Global Biodiversity Framework (GBF) currently being negotiated seeks to transform society's relationship with biodiversity, including a much bigger role for protected and conserved areas (PCAs). This briefing demonstrates that transformative change requires governance that is not only inclusive but also equitable, in terms of respect for rights, participation in decision making, transparency, rule of law, dispute resolution, and sharing of costs and benefits. We argue that equity in an environmental context is largely a matter of governance, not management, and that a devolved and rights-based approach is a powerful way of promoting equitable governance. We set out important recommendations for the GBF to include equitable governance as a key part of its strategy for PCAs, as well as in the overall enabling conditions for the Framework to succeed. Now is the time to strengthen these components in the GBF — the decisions taken by leaders over the next nine months will guide international and national efforts over the coming decade that are critical to combating the biodiversity crisis.

The last two global biodiversity conservation strategies have largely failed to meet their targets to halt the loss of biodiversity and increase the contribution of conservation to sustainable development.¹ This is not for lack of ambition, strategies or action plans, but due to shortfalls in implementation and resourcing. A key challenge is weak environmental governance. The GBF, being negotiated over the next nine months for agreement at the 15th Conference of the Parties to the Convention on Biological Diversity, represents a major opportunity to correct this; it will chart the next decade of international action on biodiversity conservation. Compared to the CBD strategy 2011–20, the GBF significantly increases the emphasis on implementation at country level (see Targets 14–21 on tools and solutions for implementation and mainstreaming, and the enabling conditions). Although the

word 'governance' is used only once in the GBF, much of this content on implementation is about environmental governance, and this is strengthened and consolidated in the new draft released in July 2021.²

Governance must be inclusive and equitable

The 2019 IPBES Global Assessment Report states that "transformative change"³ is necessary to halt the loss of biodiversity and ecosystem services and that this will need governance that is inclusive, informed, adaptive and integrative to help ensure policy coherence and effectiveness (Box 1).⁴ It defines inclusive governance as "approaches that involve stakeholder engagement, including Indigenous Peoples and local communities, in decision-making", helping to "reflect a plurality of values and ensure equity".⁴

Equitable governance starts with recognition

Equitable governance is a broader concept that encompasses stakeholder engagement in all aspects of governance, including respecting rights, transparency, accountability, rule of law, dispute resolution and the sharing of costs and benefits. This framing of equity in conservation — developed for PCAs based on the framing of environmental justice⁵ — is included in guidance endorsed by the Parties at COP14 (Figure 1).⁶

Furthermore, 'equitable' embraces not only the concept of inclusion of key social groups but also a range of options for prioritising social groups where equality is not the answer, for example, according to poverty level (needs-based), rights-holders (rights-based), those contributing to, or harmed by, conservation (merit-based), or to counter historical marginalisation (eg based on gender, ethnicity).

In summary, transformative change requires governance that is not only inclusive in terms of decision making but also equitable in terms of respect for rights, transparency, rule of law, dispute resolution, and sharing of costs and benefits.

Suggested action: replace 'participatory' with 'equitable' in GBF paragraph 15.

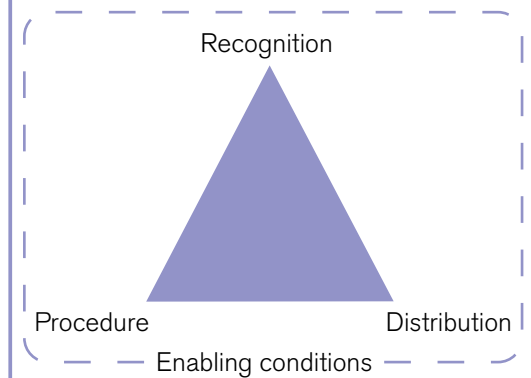
Rights-based approaches and human rights need greater emphasis

Rights-based approaches (RBAs) are a way of promoting equitable governance based on empowering rights holders to establish and claim their rights while holding duty bearers accountable for fulfilling their duties to respect and protect these rights.⁷ However at present, RBAs appear in the GBF as just one of many points at the end of the section on enabling conditions (paragraph 17).

A key characteristic of RBAs is that rights and duties can be codified in legal instruments ranging from local bylaws to international conventions with legal recourse to national and international judicial systems. RBAs can play a vital role in protecting the interests and rights of marginalised social groups that otherwise have little voice in governance. The framework of rights to which RBAs are applied depends on the context. Rights may be specific to certain individuals or groups of individuals (for example Indigenous Peoples), apply to all people of a certain country (civil rights) and/or rights of all people on Earth (human rights).

While GBF Target 21 now explicitly includes respect for rights to land, territories and resources of Indigenous Peoples and local communities, nowhere in the GBF is there a commitment to respecting and protecting human rights defined

Figure 1. Definition of equity in CBD decision COP/DEC/14/8



in international law. Given growing concerns over conservation actions infringing and, at times, violating human rights, respect for human rights should be explicitly included in the GBF.

In summary, RBAs are a powerful way of promoting equitable governance and should be prominent in the section on enabling conditions. It is also important to specify, in broad terms, the applicable rights.

Suggested action: RBAs be elevated to the start of the enabling conditions section (paragraph 14) and additional text or references added to indicate that they apply to human, civil and site-specific rights.

Equitable governance or equitable management of PCAs?

We turn now to the GBF's proposals for PCAs, including both improving the effectiveness and equity of existing areas and the near doubling of the area of PCAs, as proposed in the 30x30 Target. Table 1 summarises a framework of principles of equitable governance contained in the guidance endorsed by CBD Parties. The framework is based on IUCN good governance principles for protected areas (PAs)⁸ and aligns with the Natural Resources Governance Framework. It shows that equity in the context of conservation — respect for actors and their rights and knowledge, procedural equity (including but not limited to participation), and equitable sharing of costs and benefits — are largely a matter of equitable governance.

When Aichi Target 11 of the CBD strategy 2011–20 was developed, equity was inserted late in the process into an existing phrase relating to PA management. GBF Target 3 should make it clear that equity is primarily a matter of governance. Equitable governance should also replace the term 'good governance', which is interpreted in different ways in different sectors.

In summary, equity in the context of conservation is largely a matter of governance, not management.

Box 1. Management versus governance

Management is about what is done in pursuit of given objectives.

Governance is about who decides about what is to be done, how those decisions are taken, and about authority, responsibility and accountability.

(adapted from Borrini-Feyerabend et al., 2013)⁷

Suggested action: regarding PCAs, replace 'equitably managed' with 'equitably governed' in GBF Target 3 (aligning with the monitoring framework).

Unique challenges with governance of PCAs

Central to the challenge of environmental governance is reconciling the competing and at times conflicting interests of different social actors at different scales (local to global), in different conservation and social outcomes. In addition, PCAs face the unique challenge of managing common pool resources (CPRs), and in particular, the risk of a downward spiral of degradation, where it is impractical for one actor to prevent access by others and use of resources by one actor reduces what can be used by others. Elinor Ostrom's Nobel Prize-winning research examined the enabling conditions necessary for effective management of CPRs; they proved to be mainly issues of equitable governance at a local level. These are relevant to all PCAs except where one actor has the power and resources to impose their objectives and rules on others — in other words, where there is conservation by coercion rather than collaboration.

'Conservation by coercion' was the original conservation paradigm developed in the USA and then adopted elsewhere, notably by colonial powers. PCAs continuing to use this approach, taking little account of the concerns of Indigenous Peoples and local communities, clearly cannot be described as equitably managed/governed. What equitable governance might look like is very context-specific and evolves over time, but the necessary direction of change is clear. There are now practical tools such as the IUCN Green List⁹ and SAGE¹⁰ for assessing governance and planning actions to improve governance, both for better conservation as well as social outcomes.

Over the last 35 years, many initiatives have promoted more equitable governance of PCAs. Notable successes include PA co-management in the Philippines, community forestry in Nepal, community-based natural resource management in Africa (all forms of shared governance), and the many areas owned and managed by Indigenous Peoples and local communities (community governance). However, the majority of PAs globally¹¹ are of the 'governance by government' type and although some have made good progress on some aspects of equitable governance (eg community consultations, sharing benefits), little has changed for many, as reflected in the recent assessment of progress on the 'equitably managed' element of Aichi Target 11. The big push on shared governance in Africa has been particularly disappointing, with most initiatives failing due to the realities of little

Table 1. Equitable governance principles for protected and conserved areas

Equity: recognition	1. Recognition and respect for the rights of all relevant actors
	2. Recognition and respect for all relevant actors and their knowledge
Equity: procedure	3. Full and effective participation of all relevant actors in decision making
	4. Transparency, information sharing and accountability for actions and inactions
	5. Access to justice, including effective dispute resolution processes
	6. Fair and effective law enforcement
Equity: distribution	7. Effective measures for mitigation of negative impacts on communities
	8. Benefits equitably shared among relevant actors
Other	9. Achievement of conservation and other objectives
	10. Effective coordination and collaboration between actors, sectors and levels

devolution of authority, little tangible benefit and high transaction costs.

Equitable governance at scale

GBF Target 3 requires major progress on equitable management and governance of PCAs — both existing and new — at a very substantial scale. It is often assumed that the best way to drive change at scale is from the top down and the GBF states: "The framework aims to facilitate implementation, which will be primarily through activities at the national level, with supporting action at the subnational, regional and global levels." The GBF does not make it clear whether this means:

- A. Drive improvement of site-level governance from the national level, or
- B. Create enabling conditions at the national level for a bottom-up process of governance building.

Plan A reflects the theory of change implicit in the last CBD strategy (2011–2020). It seems to work for some countries where governance in general, and environmental governance in particular, is already of relatively high quality. But taking a global perspective, the evidence of ongoing biodiversity loss shows this theory of change is not working and is particularly problematic where environmental governance is weaker than governance in general. This partly reflects a correlation between levels of private-sector investment in commercial agriculture and quality of governance, to the extent that market-driven agricultural intensification, if not controlled by effective environmental governance, can become a driver of converting forests to farmland.¹²

Recent research on deforestation in Africa suggests that there is little correlation between the quality of governance of a country as a whole

and conservation outcomes of its existing PAs.¹³ In some ways this is good news, as it is certainly possible to markedly improve the governance of existing PCAs over a 5–10 year period¹⁴ while, as we have discovered with the CBD strategy 2011–20, basing a ten-year strategy on major changes in environmental governance policy and practice of a country is risky and problematic.

Doubling PCA coverage globally by creating new PCAs and recognising existing conservation measures (eg by Indigenous Peoples and private landowners) is a very different proposition. GBF Target 3 surely implies that equitable governance is a precondition for expansion of PCA coverage.

Equitable governance starts with recognition — respect for relevant actors and their rights — and the interpretation can be clear and universal, although some rights will be context-specific. On the other hand, the interpretation of equitable procedure and distribution of costs and benefits can be very different in different contexts and cultures. For example, in procedure, effective stakeholder engagement does not necessarily imply that decision making should always be very participatory, as this often comes with high transaction and opportunity costs or may undermine existing institutions already considered to be effective and equitable in that context.

For both existing and new PCAs, we argue that to deliver on the ambition of GBF Target 3 within ten years we need a **plan B** — a bottom-up process of governance building based on:

1. Devolution of authority over state lands to the lowest appropriate level where the inclusivity and equity of governance can be improved relatively rapidly
2. Practical tools that enable local actors to lead governance-building processes
3. Partnership with Indigenous Peoples and local communities that brings security of tenure to their lands and fully recognises their roles and contributions, and

4. Innovative scaling-up strategies using peer-to-peer learning and incentive mechanisms that recognise and encourage success (eg IUCN Green List, ICCA recognition, learning groups, communities of practice).

That said, environmental management and conservation is different from most other sectors in that it has external actors with strong, and often, but not always, legitimate, interests, who reside far from the area or site in question. Where this is so, devolution of authority must come with policies to safeguard the legitimate interests of these external actors at landscape, national and global levels. Inevitably, there will be trade-offs between the objectives of different actors that must be managed equitably both in terms of process and outcome.¹⁵

In response to the climate crisis, more than 50 governments and organisations recently signed up to eight principles for locally led adaptation to climate change.¹⁶ The principles focus on devolving decision making and addressing inequalities, and have much in common with the four key elements of our plan B and ten principles for equitable governance. A similar strategy for implementing GBF Target 3, underpinned by broad-based alliances of this nature, would be truly transformative and in a number of countries there may be no viable alternative.

In summary, for the many countries where loss of biodiversity continues largely unabated, the approach to implementing GBF Target 3 on PCAs should prioritise devolution of authority to site level and building equitable governance at this level, partnership with Indigenous Peoples and local communities, and innovative learning, incentives and broad-based alliances that support scaling up.

Suggested action: add devolution of authority and broad-based alliances to GBF enabling conditions, paragraph 17.

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Notes

¹ UNEP (2020) Global Biodiversity Outlook 5. / ² www.cbd.int/article/draft-1-global-biodiversity-framework / ³ A fundamental, system-wide reorganisation across technological, economic and social factors, including paradigms, goals and values ... which will require innovation and transformation in environmental governance. / ⁴ Brondizio, ES, Settele, J, Diaz, S and Ngo, HT (eds) (2019) Global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. IPBES secretariat, Bonn, Germany. / ⁵ Martin, A (2017) Just Conservation. Routledge. / ⁶ Franks, P (27 November 2018) CBD COP14: a breakthrough on understanding and assessing equity in conservation. www.iied.org/cbd-cop14-breakthrough-understanding-assessing-equity-conservation / ⁷ Blomley, T, Franks, P and Ram Maharjan, M (2009) From Needs to Rights. Lessons learned from the application of rights based approaches to natural resource governance in Ghana, Uganda and Nepal. Rights and Resources Initiative, Washington DC, USA. https://rightsandresources.org/wp-content/exported-pdf/fromneedstorightsfinal.pdf / ⁸ Borrini-Feyerabend, G, Dudley, N, Jaeger, T, Lassen, B, Pathak Broome, N, Phillips, A and Sandwith, T (2013) Governance of Protected areas. IUCN. / ⁹ https://iucngreenlist.org / ¹⁰ www.iied.org/site-level-assessment-governance-equity-sage / ¹¹ www.protectedplanet.net/en/search-areas?geo_type=site / ¹² Byerlee, D, Stevenson, J and Villoria, N (2014) Does intensification slow crop land expansion or encourage deforestation? *Global Food Security* 3(2) 92–98. / ¹³ Franks, P (forthcoming) How a country's governance affects conservation of protected area forests. IIED, London. / ¹⁴ Franks, P et al. (2021) Improving governance and equity of protected and conserved areas. Unpublished manuscript. / ¹⁵ Gusenbauer, D and Franks P (2019) Agriculture, nature conservation or both? Managing trade-offs and synergies in sub-Saharan Africa. IIED, London. pubs.iied.org/14675iied / ¹⁶ See www.wri.org/initiatives/locally-led-adaptation and www.iied.org/principles-for-locally-led-adaptation

