



**GOVERNANCE PRINCIPLES FOR PROTECTED AREAS IN  
THE 21<sup>ST</sup> CENTURY**

**A DISCUSSION PAPER**

**BY**

**THE INSTITUTE ON GOVERNANCE**

**IN COLLABORATION WITH  
PARKS CANADA**

**April 22, 2002**

*The views expressed in this policy brief are the views of the author and do not necessarily reflect those of the Institute On Governance or its Board of Directors.*

The Institute On Governance (IOG) is a non-profit organization founded in 1990 to promote effective governance. From our perspective, governance comprises the traditions, institutions and processes that determine how power is exercised, how citizens are given a voice, and how decisions are made on issues of public concern.

Our current activities fall within these broad themes: building policy capacity; Aboriginal governance; accountability and performance measurement; youth and governance; citizen participation; governance and the voluntary sector; and information & communications technology (ICT) and governance.

In pursuing these themes, we work in Canada and internationally. We provide advice to public organizations on governance matters. We bring people together in a variety of settings, events and professional development activities to promote learning and dialogue on governance issues. We undertake policy-relevant research, and publish results in the form of policy briefs and research papers.

You will find additional information on our themes and current activities on our web site, at [www.iog.ca](http://www.iog.ca).

For further information, please contact:

John Graham  
Institute On Governance  
122 Clarence Street  
Ottawa, Ontario  
K1N 5P6 Canada  
tel: (613) 562-0090  
fax: (613) 562-0097  
[info@iog.ca](mailto:info@iog.ca)  
[www.iog.ca](http://www.iog.ca)

## EXECUTIVE SUMMARY

Parks Canada is leading the planning and implementation of a governance stream at the fifth World Parks Congress, to be held in South Africa in September 2003. This paper's objective is to provide a provocative look at the principles of sound governance for Protected Areas to aid Parks Canada in the pursuit of its objectives at the Congress.

### *Governance and Sound Governance*

Governance is defined as *the interactions among structures, processes and traditions that determine how power is exercised, how decisions are taken, and how citizens or other stakeholders have their say*. Fundamentally, it is about power, relationships and accountability: who has influence, who decides, and how decision-makers are held accountable. While sound governance can be seen as an end unto itself, it is also a process which can be undertaken by any number of actors, and is distinct from the institutions of government. Recognizing these distinctions makes it easier to see the variety of social actors and roles that are important to governance.

Defining the principles of sound governance is difficult and often controversial. However, there is likely a list around which there might be considerable agreement, even beyond western, liberal democracies. In advancing such a list, it must be recognized that:

- No principles are absolute. Most conflict with others at some point and this calls for balance and judgment in their application
- Social context (history, culture and technology) will be an important factor in how this balance is determined and how these principles play out in practice
- Complexities abound in the application of principles: "the devil is indeed in the detail"
- Governance principles are both about ends and means - about the results of power as well as how it exercised

With these points in mind, this paper suggests five key principles of sound governance for Protected Areas, based on a United Nations list of the characteristics of good governance:

<b>The Five Principles</b>	<b>The UN Principles on which they are based</b>
1. Legitimacy and Voice	<ul style="list-style-type: none"> <li>▪ Participation</li> <li>▪ Consensus orientation</li> </ul>
2. Accountability	<ul style="list-style-type: none"> <li>▪ Accountability to the public and to institutional stakeholders</li> <li>▪ Transparency</li> </ul>
3. Performance	<ul style="list-style-type: none"> <li>▪ Responsiveness of institutions and processes to stakeholders</li> <li>▪ Effectiveness and efficiency</li> </ul>
4. Fairness	<ul style="list-style-type: none"> <li>▪ Equity</li> <li>▪ Rule of Law</li> </ul>
5. Direction	<ul style="list-style-type: none"> <li>▪ Strategic vision, including human development, and historical, cultural and social complexities</li> </ul>

## *Applying Governance Principles to Protected Areas*

The International Union for the Conservation of Nature has developed six categories of Protected Areas, based on different combinations of objectives. For the purposes of this paper, the variety of objectives can be summarised under four headings: nature conservation, science, visitor opportunities (recreational, educational, spiritual, etc.), and local and indigenous needs.

In order to meet these objectives, those responsible for Protected Areas exercise a number of different types of powers. Four broad categories are distinguished: regulatory and planning powers, spending powers, revenue-generating powers, and the power to enter into agreements. Particular attention should be paid to regulatory powers due to their potentially coercive nature and their capacity to become highly politically charged. The elements of sound regulatory governance might include: a legislative base; program design that balances educational, monitoring, enforcement and appeals and redress activities; adequate resources and support; understanding of the regulated group; identification and enlistment of supporters; and ongoing program evaluation.

Sound governance is about how to exercise these powers (means) in order to meet objectives (ends). One way of evaluating this is to return to the principles of sound governance and assess how well they are met in a particular instance. The paper develops two of the principles – accountability and performance – into screens that can be used for more detailed analysis.

### **Accountability for Protected Area Agencies**

- **Clarity** – in the assignment of responsibilities and the authority to act
- **Ministerial Role** – appropriate responsibilities for political and non-political leaders
- **Public Institutions of Accountability** – including their access to information, capacity to analyze and report, ability to get action, comprehensiveness of mandates
- **Civil Society and the Media** – effective in mobilizing demand for accountability

### **Performance of Protected Area Agencies**

- **Cost Effectiveness** – in achieving objectives
- **Capacity** – to undertake required functions, for policy, fiscal capacity
- **Co-ordination** – interministerial and intergovernmental
- **Policy Learning** – on the basis of operational experience
- **Performance Information to the Public** – sufficient to assess performance
- **Responsiveness** – in dealing with complaints and public criticism
- **Internal Evaluations** – undertake internal program evaluations and respond to findings
- **Risk Management** – identify key risks facing the agency and manage these risks

## *Applying the Principles*

The screens elaborated from principles of sound governance can help analyse governance questions such as what degree of independence a Protected Area agency should have from the government. Using the screens developed for accountability and performance, the paper finds that arms length agencies with their own Boards of Directors have some performance advantages over agencies that are totally integrated into ministries, but there are some serious concerns when it comes to accountability. This analysis indicates that other options might be more appropriate, options that provide the agency with greater administrative independence from government, but retain ministerial responsibility for policy and regulatory matters.

There is a range of different governance structures that could be chosen for a given Protected Area, from government sole management through to private owner management. Screens such as the two developed for performance and accountability can help evaluate the different options. The paper applies the screen to two options, consultative and delegated management, to see what strengths and weaknesses each would have in the case of a national park with the objectives of ecosystem conservation and recreation. The analysis shows that either option promises some performance benefits over instances where the government is the sole manager, but that there are some increased risks in terms of capacity. From an accountability perspective, the delegated management option in particular presents some governance challenges, but none of these appear insurmountable.

Such application of the screens reveals that they can be useful tools, but they involve a substantial amount of work, and an understanding of particular circumstances (objectives and powers as well as cultural, social and economic factors) is very important. Further work is needed to develop the remaining three governance principles into screens, and to see how the screens stand up outside of application in parliamentary systems.

## *Next Steps*

Proposed next steps include the following:

- Complete the next phase of the paper in May-June
- Circulate the paper in July, asking others (PA agencies, NGOs) to apply the principles and methodology to their examples
- Hold an international seminar in October 2002 to discuss the viability of the principles and the methodology for applying them
- Make further adjustments following the seminar.

# TABLE OF CONTENTS

	Page
EXECUTIVE SUMMARY .....	ii
INTRODUCTION .....	1
I. GOVERNANCE AND SOUND GOVERNANCE .....	2
A. What Is Governance?	
B. What are the Principles of Sound Governance?	
C. Conclusions	
II. APPLYING GOVERNANCE PRINCIPLES TO PROTECTED AREAS.....	11
A. The Means and Ends of PA Governance	
B. Elaborating Governance Principles for Protected Areas	
C. Applying the Principles: The Agency Independence Conundrum	
D. Applying the Principles: Options for Managing an Individual PA	
III. CONCLUSIONS .....	24
APPENDICES .....	26
Appendix A: Examples Of Governance Challenges	
Appendix B: IUCN System Of Protected Area Management Categories	
Appendix C: Continuum of Options for Governing Individual Protected Areas	

# **GOVERNANCE PRINCIPLES FOR PROTECTED AREAS IN THE 21<sup>ST</sup> CENTURY**

## **INTRODUCTION**

Governance has become a 'hot' topic as evidence mounts on the critical role it plays in determining societal well-being. That a principal element of the Fifth World Parks Congress, to be held in South Africa in September 2003, will be a governance workshop stream is both fitting and timely.

Parks Canada has offered to lead the planning and implementation of this stream, which will pursue two related objectives:

- 1) assess the effectiveness of traditional and non-traditional approaches to governance of individual protected areas and systems; and
- 2) provide guidance for decision-makers of the future.

These are ambitious objectives and suggest the need for a thought provoking paper on the principles of sound governance. Such a paper might suggest topics that might not otherwise be canvassed at the Congress, assist participants in raising questions and issues based on 'first principles', and help the Congress adopt a set of governance principles as one of the enduring results of the event.

But principles, to be meaningful, should have practical application. Thus, the objective of this paper is not only to propose governance principles but to demonstrate how they might be used to assess the quality of existing governance regimes and options. Furthermore, it does so from two perspectives: that of a Protected Area Agency in the public sector and that of the governance of a particular Protected Area.

The organization of the paper is straight forward and consists of two principal sections. In the opening section, the paper explores the definition of governance, how governance differs from government, and why this distinction is important. It explains why governance has been attracting attention and why it is seen as increasingly significant by many policy-makers in a wide variety of contexts. It considers the concept of "sound governance" and why this apparently innocuous idea can be the source of controversy. It points out the difficulty of defining sound governance without reference to desired social and economic outcomes or cultural norms. It concludes by proposing a set of principles for the sound governance of Protected Areas.

In the second section, the paper takes on the challenge of applying these proposed principles to Protected Areas. In particular, it explores the feasibility of developing a set of analytical 'screens' based on criteria developed from the principles and then applies these to two governance challenges of current concern.

The paper concludes with a series of observations and proposed next steps.

# I. GOVERNANCE AND SOUND GOVERNANCE

## A. What Is Governance?

Governance is a term which, from about 1990 on, has progressed from obscurity to widespread usage. Not surprisingly, there are differences of view as to what governance means.

A not-uncommon tendency is to use governance as a synonym for “government”. This confusion of terms can have unfortunate consequences. A public policy issue where the heart of the matter is a problem of “governance” becomes defined implicitly as a problem of “government”, with the corollary that the onus for “fixing” it necessarily rested with government.

The need for governance as a concept distinct from government began to manifest itself when government became an organization apart from citizens rather than a process. In ancient Athens, reputedly the cradle of democracy, we are told citizens met in the marketplace to deal with issues of public concern. Government in such a setting was simply a process for dealing with issues. Today, however, government is seldom defined as a process; it is instead seen as an institution (or a set of institutions), one of several societal ‘players’ or actors.<sup>1</sup>

Government became viewed as a discrete entity not only when it assumed an institutional form, but also when representation became necessary. Without representation, government is ‘us’. Indeed, in some indigenous languages, the concept of government means ‘our way of life’ or ‘our life’<sup>2</sup>. Representation is inevitable in large societies, but it is inevitably imperfect. Agents do not speak with the same authority as principals. So when the activities of governments are directed by representatives rather than citizens themselves acting in concert, they become something apart. Governance is about how governments and other social organizations interact, how they relate to citizens, and how decisions get taken in an increasingly complex world.

### *Governance defined*

Definitions of governance abound.<sup>3</sup> Most writers about governance agree that it has to do with taking decisions about direction. One definition we have found useful (partly because of its merciful brevity) is, *governance is the art of steering societies and organizations*. Some observers, however, have wondered whether this formulation has connotations of top-down direction or control that are too strong. Whether or not *steering* is the appropriate word, it seems clear to us that *governance involves the interactions among structures, processes and traditions that determine how power is exercised, how decisions are taken, and how citizens or other*

---

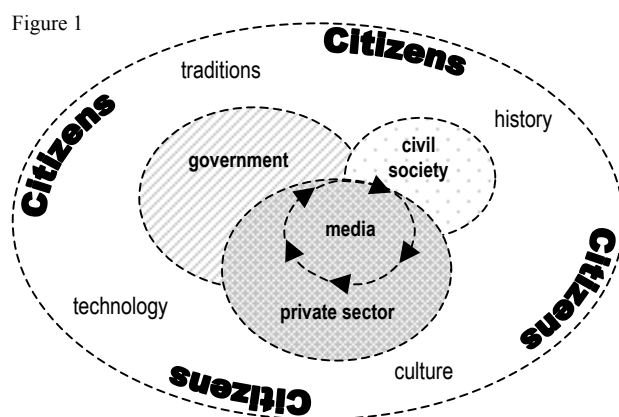
<sup>1</sup> For example, the Concise Oxford Dictionary defines government as the “form of organization of State” or a “body of successive bodies of persons governing a State; ... an administration or Ministry.” (It also defines government as the “act, manner, or fact, of governing” and it employs an almost identical definition for governance (“act, manner, fact, or function, of governing; sway, control”.) No wonder the terms are confused!

<sup>2</sup> Royal Commission on Aboriginal Peoples, *Restructuring the Relationship, Part One* (Canadian Communications Group, Ottawa, 1996, p.115).

<sup>3</sup> For a collection of some definitions, see Demers, Maurice, “La gouvernance de la gouvernance: Faut-il freiner l’engouement?”, in *Governance: Concepts and Applications*, Corkery, Joan (ed.), with IIAS Working Group, International Institute for Administrative Studies, (Brussels, 1999), pp. 368-371.



*stakeholders have their say.* Fundamentally, it is about power, relationships and accountability: who has influence, who decides, and how decision-makers are held accountable. The concept may usefully be applied in different contexts – global, national, and local; societal and institutional – as we shall see below.



Understanding governance at the societal level is made easier if one considers the different kinds of entities that occupy the social and economic landscape. Figure 1 illustrates four sectors of society, situated among citizens at large: business, the institutions of civil society (including the voluntary or not-for-profit sector), government and the media.<sup>4</sup> Their size as drawn here may provide a crude indication of their relative power in Canadian society. They overlap because the borders of these organizations are permeable.<sup>5</sup> (A similar illustration for another country could show a very different distribution of power. For example, the military or a political party, not illustrated here, might occupy the largest part of the terrain. Government’s role might be quite insignificant. In some settings, multinational corporations might play a dominant role.)

Helping to link the sectors, because it carries information from each to the other, and to and from citizens, are the media. Because the media can play a significant role in accountability and in shaping perceptions of public policy, they clearly belong in any discussion of governance.

In Canada, and indeed in many other countries, the dynamics at work in this figure are considerable. Power is shifting across borders. The size of the private sector seems to be expanding in many jurisdictions. Some functions previously carried out by the state are being

<sup>4</sup> There are some complexities in defining these sectors, but they need not concern us here. For example, does government include state-owned corporations? What about partially owned corporations? Are teachers or schools part of government? With respect to civil society organizations: do they include organizations such as lobby groups whose goals are clearly commercial? Is an organization such as a professional association for commercial entities a business entity or a not-for-profit? Where do labour unions fit? Is the internet part of the media? And what is the appropriate definition of civil society itself? There are different points of view.

<sup>5</sup> For instance, government includes a component designated as “quasi-government”. This represents the host of semi-governmental organizations that can be found in most jurisdictions: state-owned corporations (or Crown corporations, as they are called in Canada), supervisory and regulatory boards, special task forces and commissions, arm’s length agencies of various kinds, etc. In some countries, this component of government is larger than the main body of departments and ministries. This component shades into the private sector, since it typically involves various forms of joint ventures and partnerships with that sector.

transferred to business; for example, in Canada, business-like entities are now running many airports and NavCan, a not-for-profit organization, operates the air navigation system. In at least one country, even customs operations, an important source of government revenues, have been turned over to the private sector. There are many similar examples.

Shifts are also under way in the sphere of civil society although the pattern is less clear. In some jurisdictions, business is becoming more involved in the operation of some social services, for example, the administration of home care programs. Some governments have also spoken of the need to transfer functions to the voluntary sector, expecting it to ‘take up the slack’ as government withdraws from funding (as in the case of home care as an alternative to hospitalization).

The idea of governance makes it easier to have discussions about how communities or other social actors can take action in collaboration with, or perhaps independently of, established government structures to address issues of concern to citizens – community governance. Governance also comes into play in circumstances of ‘government failure’ or incapacity – that is, when governments lack the jurisdiction, capability, or interest to deal with a problem of public concern.

When government does not or cannot act, other actors may do so. Citizens may get together to clean up a neighbourhood. “Public interest partnerships” may bring citizens, government officials and business together – at the initiation of any of these players – to address some question of general concern.

Governments themselves are experimenting today with many partnership arrangements within which politicians or public servants share power with other sectors of society. (The theme of the upcoming World Parks Congress, "Benefits Beyond Borders", reflects this trend.) These arrangements evolve for various reasons: perhaps because it is recognized that each group has a special contribution to make on a complex question, and perhaps for more prosaic reasons, such as government’s desire to get access to business capital. The prevalence of such new institutional relationships is starting to raise questions about who should properly be involved in what. For example, some voices are beginning to ask to what extent government should form alliances with business in areas of general public interest such as education or health, and about the intrusion of private sector values into these spheres: a classic example of a governance question.

### ***Where governance occurs: the ‘zones’ of governance***

In principle the concept of governance may be applied to any form of collective action. Governance is about the more strategic aspects of steering: the larger decisions about both direction and roles. That is, governance is not only about *where to go*, but also about *who should be involved in deciding*, and in what capacity. There are three areas or zones where the concept is particularly relevant.

- Governance in ‘global space’, or global governance, deals with issues outside the direct purview of individual governments<sup>6</sup>.
- Governance in ‘national space’: i.e. within a country. This is sometimes understood as the exclusive preserve of *government*, of which there may be several levels: national, provincial or state, indigenous, urban or local. However, particularly at the community level, *governance* is concerned with how other actors, such as civil society organizations, may play a role in taking decisions on matters of public concern.
- Corporate governance (governance in ‘corporate’ space): this comprises the activities of incorporated and non-incorporated organizations that are usually accountable to a board of directors. Some will be privately owned and operated, e.g. business corporations. Others may be publicly owned, e.g. hospitals, schools, government corporations, etc.

### ***The importance of governance: context and outcomes***

Governance is concerned with how power is exercised among the different sectors or interests in society such that traditional freedoms may be enjoyed, commerce may occur, the arts and culture may flourish. That is, governance is important in itself. It provides the context for things which, as history demonstrates, people value enormously: personal liberty and freedom of assembly, whether for social, commercial, religious or other purposes, within some kind of overall social framework such as the rule of law and a constitution. Context matters. Thus “sound governance”, which we discuss in more detail below, is to some degree an end in itself.

However, governance is also about pathways to desired conditions or outcomes. “Sound governance” might be defined as a mode or model of governance that leads to social and economic results sought by citizens.

There seems to be a growing awareness that institutional structures and relationships, not only within government but between governments and other sectors of society, may have a determining impact on outcomes. Furthermore, it is becoming more widely appreciated that, while government has an important influence on many matters of public concern, it is only one among many. As issues become more complex, and the limitations of government more apparent, it is becoming clearer that government programs are far from the sole determinants of social or economic conditions. At the same time, many people are beginning to believe that important issues of public concern, such as environmental issues or the development of information and communications technology, are too complex to be addressed by government acting alone. Distrust of government fuels this point of view. In Thailand, for example, important constitutional changes enacted in the 1990s were inspired by the belief that government needed to become more inclusive, and more effective at working in collaboration with citizens and other sectors of society.

---

<sup>6</sup> Global governance is becoming an increasingly important issue with respect to Protected Areas in part because of the growing number of international agreements and conventions e.g World Heritage Convention; Convention on Biological Diversity; Ramsar Convention on Wetlands of International Significance; UNESCO’s Man in the Biosphere Program.

In the world of international aid, there has been growing awareness of the significance of institutional factors in influencing the course of sustainable development. For example, a landmark study by the World Bank in 1998 noted that over the course of recent decades there had been a depressingly negative correlation between aid and growth.<sup>7</sup> Some countries received substantial foreign aid and yet their incomes fell, while others received little assistance and their incomes rose. The Bank study raised the possibility that factors other than money might play an important, if not a determining role, in the development process. Based on a growing body of research and evaluation, the World Bank and others now judge that “poor countries have been held back not by a financing gap, but by an ‘institutions’ and ‘policy’ gap.”<sup>8</sup>

Another interesting sphere in which to consider the relationship between institutional factors and development is provided by indigenous communities in North America. Research in this area was sparse until recently, when two American scholars, Stephen Cornell and Joseph Kalt, conducted an empirical study of American Indian Reservations. Their conclusions<sup>9</sup> were in some regards similar to those of the World Bank. According to these authors, three factors determine why some tribes develop while others do not:

- having the power to make decisions about their own future,
- exercising that power through effective institutions, and
- choosing the appropriate economic policies and projects.

## **B. What are the Principles of Sound Governance?**

What constitutes sound governance may appear non-controversial. To many Western eyes, for example, the following attributes might seem ones upon which there would be little cause for disagreement:

- |   |  |
|---|--|
| ▪ Constitutional legitimacy                       | ▪ Judicial independence  |
| ▪ Democratic elections                            | ▪ Transparency   |
| ▪ Respect for human rights                        | ▪ Absence of corruption  |
| ▪ Rule of law                                     | ▪ Active independent media                                       |
| ▪ Political openness                              | ▪ Freedom of information   |
| ▪ Predictability and stability of laws            | ▪ Administrative competence                                      |
| ▪ Equity  | ▪ Administrative neutrality: merit-based public service          |
| ▪ Public participation                            | ▪ Accountability to public interests on issues of public concern |
| ▪ Public expenditures directed to public purposes |  |

<sup>7</sup> *Assessing Aid: What Works, What Doesn't, and Why*, (Oxford University Press: New York, 1998, 35).

<sup>8</sup> *Ibid*, p. 33. See also Kaufmann, Kraay and Zoido-Lobaton, *Governance Matters* ([www.worldbank.org](http://www.worldbank.org); 1999)

<sup>9</sup> Cornell, Stephen and Joseph P. Kalt, *Reloading the Dice: Improving the Chances for Economic Development on American Indian Reservations*, Harvard Project on American Indian Development, (John F. Kennedy School of Government, Harvard University, March 1992).

However, despite their apparently anodyne character, attempts to apply these attributes of “sound governance” to practical situations may well give rise to controversy, either because they conflict with each other, or because excessive emphasis on one may lead to undesirable results. For example, at some point stability ceases to be a virtue. It may be achieved at the price of needed change and of political freedom. Public participation is attractive in principle, but an excess may result in mass policy-making and in the taking of decisions by individuals with little knowledge and no accountability. Rights of minorities might also be adversely affected. Independent media, heavily influenced by fierce competition, may lose any sense of public purpose or accountability and could become irresponsible.

The emphasis given to different aspects of sound governance will vary in different settings because societies value outcomes differently. For example, in more utilitarian Western cultures, great store may be placed on efficiency. Elsewhere, a desire for harmony and consensus may override this value. Similarly, some cultures will give primacy to individual rights whereas others will place more stress on communal obligations. Some will accord priority to the ‘objective’ application of the rule of law, while others may accord more weight to tradition and clan in decisions. Some societies may see economic growth as their primary goal while others may accord more importance to cultural richness and diversity.

Determining what constitutes “sound governance” thus leads to a debate on values and cultural norms, and on desired social and economic outcomes. This in turn leads into questions about the role of government, how governments should relate to citizens, relationships between legislative, executive and judicial branches of government, and the roles of different sectors.

Another question related to the concept of “sound governance” is whether different approaches to governance are suited to different stages of development. What is desirable under some historical circumstances may be different from other such circumstances. For example, some repressive societies with excessive government control have experienced levels of economic and social development far surpassing that of many of more richly endowed developing countries. Supporters attribute economic success and social stability to their governance policies.

Discussions about sound governance also raise questions about means and ends. (For example: is democracy a means or an end?) For constructive discourse to take place, it is important that different traditions and values be accommodated. There is no “one size fits all” in governance.

Nevertheless, all is not relative. There appear to be some universal norms or values that apply across cultural boundaries. The United Nations (UN), for example, has published a list<sup>10</sup> of characteristics of good governance (see Box 2 next page), a list that shares many of the norms indicated above, including participation, the rule of law, transparency, accountability, efficiency and effectiveness. To make the list more manageable, we have grouped these principles under five broad themes.

---

<sup>10</sup> United Nations Development Program, *Governance and Sustainable Human Development*, 1997

**Box 2:**

**Five Principles of Sound Governance**

<b>The Five Principles</b>	<b>The UN Principles on which they are based</b>
<b>1. Legitimacy and Voice</b>	<p><b>Participation</b> – all men and women should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their intention. Such broad participation is built on freedom of association and speech, as well as capacities to participate constructively.</p> <p><b>Consensus orientation</b> – good governance mediates differing interests to reach a broad consensus on what is in the best interest of the group and, where possible, on policies and procedures</p>
<b>2. Accountability</b>	<p><b>Accountability</b> – decision-makers in government, the private sector and civil society organizations are accountable to the public, as well as to institutional stakeholders. This accountability differs depending on the organizations and whether the decision is internal or external.</p> <p><b>Transparency</b> – transparency is built on the free flow of information. Processes, institutions and information are directly accessible to those concerned with them, and enough information is provided to understand and monitor them.</p>
<b>3. Performance</b>	<p><b>Responsiveness</b> - institutions and processes try to serve all stakeholders.</p> <p><b>Effectiveness and efficiency</b> – processes and institutions produce results that meet needs while making the best use of resources</p>
<b>4. Fairness</b>	<p><b>Equity</b> – all men and women have opportunities to improve or maintain their well being.</p> <p><b>Rule of Law</b> – legal frameworks should be fair and enforced impartially, particularly the laws on human rights.</p>
<b>5. Direction</b>	<p><b>Strategic vision</b> – leaders and the public have a broad and long-term perspective on good governance and human development, along with a sense of what is needed for such development. There is also an understanding of the historical, cultural and social complexities in which that perspective is grounded.</p>

### *Indigenous perspectives on sound governance*

There is a growing body of work on the question of indigenous governance and, in particular, what might constitute sound governance from an indigenous perspective. The box below, for example, captures the vision for the new government of Nunavut, a recently created territory in Canada's north:

#### **Box 3**

### **A Vision for the Government of Nunavut**

In preparation for Nunavut, extensive consultation with citizens of Nunavut resulted in a vision of government that:

- places people first;
- represents and is accountable and fair to all its residents;
- is a servant of the people of Nunavut;
- seeks direction from the people;
- is shaped by and belongs to the people of Nunavut;
- offers programs and services in an integrated and holistic manner;
- promotes harmony amongst people;
- places ownership of well-being into the hands of individuals, families, and communities;
- conducts itself with integrity and openness;
- encourages excellence and welcomes creativity; and
- incorporates the best of Inuit and contemporary government systems.

Source: “Nunavut – Changing the Map of Canada” Insights – *Public Sector Management in Canada*, Volume 3, Number 4, Public Policy Concern.

Again there is considerable overlap between this list from Nunavut – even though it deals not with governance but with the narrower term government - and that produced by the United Nations.

## **C. Conclusions**

“Governance” opens new intellectual space. It provides a concept that allows us to discuss the role of government in coping with public issues and the contribution that other players may make. It facilitates reflection on strategies that may be adopted by a society in instances of government incapacity. It opens one’s mind to the possibility that groups in society other than government (e.g. ‘communities’ or the ‘voluntary sector’) may have to play a stronger role in addressing problems. It is no accident that much of the discourse about governance is directed toward the subject of partnerships among different sectors of society, and toward public participation in decision-making.

Finally, it invites us to consider to what extent the attainment of desired social and economic outcomes may depend upon governance arrangements, and to ask which kinds of arrangements result in what kinds of impacts. There is certainly no guarantee that governance arrangements that “worked”, in some sense, in the last century, will be appropriate or even sustainable in the context of the kinds of social, technological, demographic and other trends with which countries will have to contend in the next century.

Accepting that governance goes beyond government helps identify unifying threads in the seven workshop streams of the upcoming World Parks Congress in Durban. Indeed, the six "non-governance" streams all have governance sub themes running through them. For example, integrating PAs into the broader landscape (Linkages In the Landscape/Seascape) has an important governance dimension as do the other streams dealing with management effectiveness, finance and resources, capacity building, building awareness and support, and gaps in the global system.

If the question 'What is Governance?' is daunting, then "What is sound governance?" is even more so. The following five points emerge from our discussion about the principles of sound governance:

- Governance principles can lead to controversy; that said, there is likely a list around which there might be considerable agreement, even beyond western, liberal democracies;
- No principles are absolute. Most conflict with others at some point and this calls for balance and judgment in their application;
- Societal context (history, culture and technology) will be an important factor in how this balance is determined and how these principles play out in practice;
- Complexities abound in the application of these principles: "the devil is indeed in the detail;" and
- Governance principles are both about ends and means - about the results of power as well as how it exercised.

What does all of this mean for sound governance of Protected Areas? In our judgment, a good starting point is the United Nations' list set out above in box 2, which we have regrouped into five principles. That these five principles - voice and legitimacy; accountability; performance; direction; and fairness - form a feasible point of departure for Protected Areas derives in part from their international character. They are the product of the United Nations as opposed to a western-oriented source. In addition, they are comprehensive enough to encompass many of the main ideas on the other lists canvassed in this paper. That is, they appear to reflect some universal norms or values that apply across cultural boundaries. Finally, the five principles appear to be applicable in an agency setting.

But the proof is in the eating. Applying these principles to current governance challenges facing Protected Areas and Protected Area agencies is the theme of the next section of the paper.



## II. APPLYING GOVERNANCE PRINCIPLES TO PROTECTED AREAS

The aim of this section is to test the applicability of the five, UN-based governance principles in dealing with current challenges facing those involved in the governance of Protected Areas (PAs). We proceed in three steps. First, since governance concerns both 'means' and 'ends', we identify and analyze these in the context of Protected Areas. This comes down to identifying the principal objectives of Protected Areas and the governance powers required to achieve them. Second, based on this analysis, we return to the five UN-based principles with the aim of demonstrating how they might form the basis of a set of analytical tools or 'screens' to better understand current challenges and options to deal with them. Finally, we apply these tools in looking at two specific governance issues.

In thinking about governance issues, it is often useful, as we pointed out in Section I, to discuss the "zones" or areas of governance. Such appears to be the case for Protected Areas where it is helpful to identify governance challenges at the global, national, local and eco-system levels. A comprehensive list of examples of governance challenges facing Protected Areas for each of these 'spaces' is contained in Appendix A. For the purposes of this paper, we have chosen to analyze two specific issues, summarized in Box 4, issues which have been taken from this comprehensive list.

### Box 4

#### Two Governance Challenges

1. **An Agency-wide perspective - what should be the degree of independence of a PA agency from government?** What are the implications of the following options for PA management: (i) totally integrated into a larger department, (ii) a distinct unit within a larger department, (iii) a separate operating agency reporting to a Minister, or (iv) an arms length agency reporting to a board of directors?
5. **Governance of Individual PAs - what are some of the key governance issues to consider when analyzing the range of options for governing an individual PA?** The option include government as the sole manager to collaborative management approaches to management by a private owner.

#### A. The Means and Ends of PA Governance

The International Union for Conservation of Nature (IUCN) defines a Protected Area as follows:

*An area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means.<sup>11</sup>*

Consistent with this definition, the IUCN has developed six categories of Protected Areas based on a different combination of objectives. These six categories are briefly summarized in Appendix B.

There are various objectives for each of these categories, but for the purposes of this paper, they can be grouped under four headings:

- Nature conservation
- Science
- Visitor opportunities (recreational, educational, spiritual etc.) and
- Local and indigenous needs.

The emphasis and priority given to these objectives varies among the six IUCN categories. These objectives are not always mutually reinforcing. Indeed some can be in conflict with one another: for example, visitor enjoyment with conservation; visitor enjoyment with local needs; local needs with conservation. Balancing these sometimes competing objectives is an ongoing challenge of PA managers. One rationale for adopting legislation to establish a PA agency is to provide direction on how such a balance is to be defined.

The theme of the Fifth World Parks Congress - Benefits Beyond Borders - reflects the fact that these objectives are in a state of flux, that some rebalancing is required and that possibly new objectives need to be considered.

Objectives are critical but governance regimes cannot be evaluated solely on the basis of their performance in meeting them. Governance is also about the judicious use of power. What types of powers are utilized by those responsible for PAs? Again it is useful to distinguish four:

- *Regulatory and planning powers* around the use of land and resources and for health and safety reasons
- *Spending powers* related to such matters as resource management, interpretation programs, the development and maintenance of infrastructure (trails, roads, interpretative facilities etc.), public safety, law enforcement and the carrying out of scientific research programs
- *Revenue-generating powers*, usually in the form of fees, licencing and permit systems but also, in some instances, in the form of property tax powers
- *The power to enter into agreements* to share or delegate some of three powers above or to cooperate with others responsible for land use management in adjacent lands.

Of these four types of powers, the regulatory power demands further attention both because it is so central to meeting all of the objectives of PAs and because it presents so many governance challenges. Why these challenges? There are at least three reasons<sup>12</sup>:

---

<sup>11</sup> Davey, AG. *National System Planning for Protected Areas*. IUCN: 1998: Gland, Switzerland and Cambridge, UK. See also [http://wcpa.iucn.org/pubs/pdfs/Nat\\_Sys\\_Planning.pdf](http://wcpa.iucn.org/pubs/pdfs/Nat_Sys_Planning.pdf).

<sup>12</sup> Malcolm Sparrow, *The Regulatory Craft*, Council for Excellence in Government, (Washington, D.C., Brookings Institution Press, 2000)

- Regulation can become politically charged and is often regarded as a 'necessary evil' by many. The kinds of criticisms levelled are many and varied. Some examples:
  - There are too many regulations
  - The regulations are too complex or inflexible
  - The regulations are out of date - they don't reflect the new realities of the regulated activity or the development of new technology
  - The regulations are so onerous as to represent an unfair burden in competing in the market place
  - The regulations don't respect indigenous rights or culture or provide for local needs
  - The regulatory agency has been captured by those it is supposed to regulate.

The politically charged nature of regulation presents potential dilemmas for political leaders, dilemmas resulting from becoming too involved in individual enforcement issues or too removed from an agency needing critical support.

- The essence of a regulatory system is about managing and reducing risk to acceptable levels to protect the public or the environment. Much of what regulatory agencies do is preventive. Specific concrete results are hard to demonstrate. On the other hand, the level of risk can never be reduced to zero. 'Accidents' will occur, leaving the agency open to immense criticism and even legal action for 'regulatory negligence'.
- Effective regulation is all about making choices and exercising discretion. There are never enough resources to inspect or monitor the range of activities to be regulated. Choices have to be made. Further, regulators exercise discretion in choosing among the range of sanctions from warning letters to civil or criminal proceedings to suspension of licences. Such discretion, if not carefully managed, can lead to serious inequities or worse, widespread corruption.

For these reasons and others, regulation has attracted considerable attention from governments and academics throughout the world. The box below provides some of the essential features of sound regulatory governance drawn from several sources including the Government of Canada's central management authority, the Treasury Board<sup>13</sup>.

---

<sup>13</sup> Treasury Board of Canada, "A Strategic Approach to Developing Compliance Policies, Parts I and II", 1992. See also Malcolm Sparrow, *The Regulatory Craft*, Council for Excellence in Government, (Washington, D.C., Brookings Institution Press, 2000)

## Box 5

### Elements of Sound Regulatory Governance

1. **A legislative base** - which, at a minimum, outlines clear, consistent objectives for the program and provides for the accountability of political leaders for the program's results
2. **A Program design** – consisting of an appropriate balance among
  - **Educational activities**, which are directed at the regulated and other affected groups
  - **Monitoring activities**, which provide a current picture on the state of compliance
  - **Enforcement activities**, which provide a range of responses, centre on high risk areas and are isolated from political interference
  - **Appeals and redress**, to act as check against capricious administrators
3. **An adequately resourced and supported regulatory organization**, which has the capacity to carry out its mission in a manner which avoids 'capture' by those being regulated and which enjoys ongoing political support
4. **An understanding of the regulated group**, including who they are and how they behave
5. **An identification and enlistment of allies**, who can assist in the promotion and enforcement activities
6. **Ongoing evaluation of the program**, so that it is sensitive to enforcement difficulties, public reaction etc.

Similar analyses might be useful for other complicated powers that a PA might use - for example, in the administration of a property tax system and the planning, construction and maintenance of complex infrastructure.

## **B. Elaborating Governance Principles for Protected Areas**

With a firmer understanding of the means and ends of PA governance, we can return to the five UN-based principles outlined earlier - legitimacy and voice; accountability; performance; fairness; and direction. Rendering them useful for analysis demands further elaboration of each, a major undertaking for all five. Therefore, for illustrative purposes, we examine two in detail – accountability and performance.

### *Accountability*

The Institute's Mark Schacter describes the case for accountability succinctly as follows:

Power, and the need to control it, define the basic bargain between those who govern and those who are governed.<sup>14</sup> Citizens grant sweeping powers to the political executive: to tax, to spend and to make and enforce policies and laws. In return, citizens demand accountability. They expect the government to explain and justify publicly the way it uses its power, and to take prompt corrective action when things go wrong. Accountability, viewed in this way, serves two purposes. Its political purpose is to check the might of the political executive – it is a mechanism for minimizing abuse of power. Its operational purpose is to help ensure that governments operate effectively and efficiently.<sup>15</sup>

In assessing the quality of accountability arrangements in a particular context, at least three questions need to be posed. The first is whether there has been a clear assignment of responsibility for functions such that an individual has the authority to act and is responsible for outcomes.

The second is whether those responsibilities assigned to political leaders and non-elected officials are appropriate. Some argue, for example, that a Minister in a parliamentary system should not delegate certain functions to arms length organizations such as:

- Policy and program development,
- Intergovernmental relations,
- Regulatory proposals and standards, and
- Programs with strong requirements for equity and fairness<sup>16</sup>.

A third question relates to the accountability arrangements themselves. Framers of democratic governments (including the Iroquois Confederacy whose system of government inspired many features of the Constitution of the United States) have known for centuries the importance of checks and balances vis-à-vis the exercise of power. Thus, direct accountability to citizens via the ballot box is not sufficient to ensure a healthy relationship between governors and the governed. There is a requirement for another complimentary set of accountability relationships: the government must *restrain itself* by creating and sustaining independent public institutions empowered to oversee its actions, demand explanations for improper or illegal behaviour and, when circumstances warrant, impose penalties.

These two kinds of accountability are referred to by some as “vertical accountability” (to citizens directly or indirectly via civic organizations or the news media) versus “horizontal accountability” (to public institutions of accountability imposed by the government upon itself, including the legislature, the judiciary, auditing agencies, ombudsperson, human rights commissions). Figure 2 below illustrates these two kinds of accountability relationships.

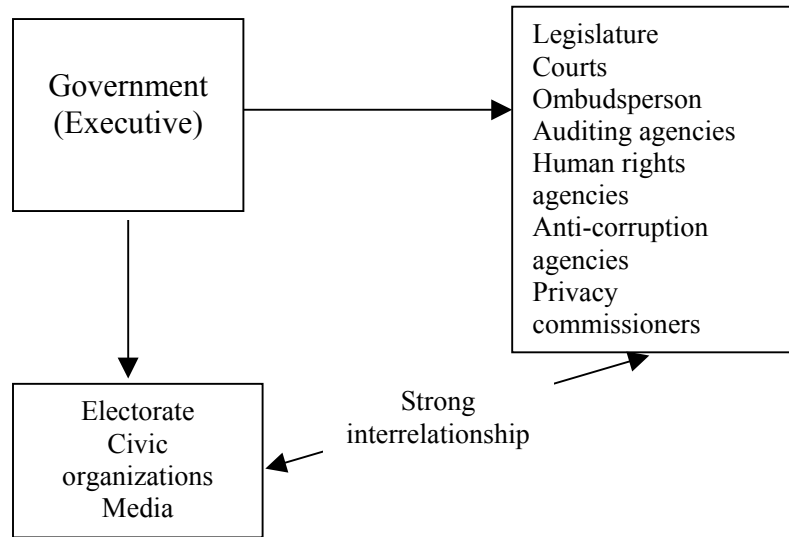
---

<sup>14</sup> Andreas Schedler, “Conceptualizing Accountability,” in Andreas Schedler, Larry Diamond and Marc F. Plattner, eds., *The Self-Restraining State. Power and Accountability in New Democracies*, Boulder and London: Lynne Rienner Publishers, 1999.

<sup>15</sup> Mark Schacter, *When Accountability Fails: A Framework for Diagnosis and Action* (May 2000, [www.iog.ca](http://www.iog.ca))

<sup>16</sup> Government of Ontario, Management Board Secretariat, *Alternative service Delivery Framework* (Toronto: September 1999 Revision)

Figure 2



The performance of any of the public institutions of accountability will revolve around three broad questions: 1) what information can the institution obtain about the government's activities; how relevant, accurate, timely and comprehensive is the information; 2) how well is the institution able to analyze the information and develop action-oriented conclusions; and 3) what kind of response is the institution able to generate from the executive.

The role played by civil society and the media is another key factor in assessing the quality of the accountability regime. The degree to which they can articulate and mobilize demand for accountable government has an important impact on strengthening the position of institutions of accountability with respect to the executive<sup>17</sup>.

In sum, an analytical screen for assessing the quality of the accountability arrangements surrounding a PA agency might look like this:

<sup>17</sup> Mark Schacter, Op. Cit.

## Box 6

### Accountability for Protected Area Agencies

- **Clarity** – Clarity in the assignment of responsibilities and the authority to act is critical in being able to answer the question "who is accountable to whom for what?"
- **Ministerial Role** – Appropriateness of responsibilities assigned to political leaders as opposed to non-elected officials or arms length bodies
- **Public Institutions of Accountability** – Effective public institutions of accountability, including access to information, capacity to analyze and report, ability to get action, comprehensiveness of mandates
- **Civil Society and the Media** – Effectiveness of civil society and the media in mobilizing demand for accountability

### *Performance*

The principal, short term issue in assessing performance is effectiveness – that is, the extent to which the agency is achieving its objectives related to conservation, science, visitor opportunities and local and indigenous communities. Assessing effectiveness presupposes a clear articulation of objectives and an understanding of how conflicting objectives are in practice balanced. It also raises the fundamental issue of whether the agency has the required capacity to carry out its mission. For example, meeting objectives for visitor opportunities would demand among other things: safe infrastructure; a well functioning regulatory program to control visitor behaviour and associated commercial development; a capacity to monitor the PA to ascertain environmental impact and the state of conservation of natural and cultural resources; and evaluative mechanisms to receive visitor feedback.

There are, in addition, other important performance factors<sup>18</sup> that determine agency performance in the longer term. These have to do with interagency coordination, the capacity to learn and adjust from experience and the ability to recognize risks and manage them. These short and long term performance factors are summarized in box 7, below:

---

<sup>18</sup> Many of these performance factors are laid out by Mark Winfield and Hugh Benevides in their paper prepared for the Walkerton Inquiry, *Drinking Water Protection in Ontario: A Comparison of Direct and Alternative Delivery Models* (October 2001, Pembina Institute for Appropriate Development, [www.pembina.org](http://www.pembina.org))

## Box 7

### Performance of Protected Area Agencies

- **Cost Effectiveness** – Cost effectiveness in achieving objectives: conservation, science, visitor opportunities, local and indigenous communities
- **Capacity** – Capacity of agency to undertake required functions, particularly in regard to its mandate (i.e. conservation, science, visitor opportunities, local needs) and authorities (i.e. regulation and planning, spending, revenue-generation, agreements); its policy capacity and the adequacy and security of its funding
- **Co-ordination** – Ability and capacity of agency to deal with interministerial and intergovernmental co-ordination. This is critical both at the agency level and at the local level to foster cooperative ecosystem management
- **Policy Learning** – The ability of the agency to provide for policy learning on the basis of operational experience. There may be significant risks in de-coupling policy development from service delivery
- **Performance Information to the Public** – The degree to which the agencies provide sufficient information to facilitate the assessments of performance by governments and the public
- **Responsiveness** – Responsiveness in dealing with complaints and public criticism
- **Internal Evaluations** – Capacity to undertake internal program evaluations and respond to findings
- **Risk Management** – Capacity to identify key risks facing the agency and manage these risks

Similar ‘screens’ could be developed for the three other governance principles – legitimacy and voice, fairness and direction.

In the final two Parts of the paper, we test the feasibility of applying the governance principles by returning to the two issues outlined at the introduction to this section. The first centers on the degree of independence PA agency should have from government.

### C. Applying the Principles: The Agency Independence Conundrum

For the past several decades, advocates of the “New Public Management” have proposed alternatives to the traditional delivery of government programs through government departments. The rationales behind these proposals have been several. For one, Alternative Service Delivery mechanisms, ranging from semi-autonomous agencies within government to contracting with



private sector firms, can escape the “suffocating” controls imposed by central agencies on human resource management and on other administrative aspects of running large public enterprises. In short, they can be more efficient, more service-oriented. In addition, some of these new delivery mechanisms are premised on insulating the agency from inappropriate interference by political leaders. A final rationale is often the ease of imposing new cost recovery regimes.

In the context of PA agencies in a parliamentary system, the degree of independence runs along a continuum punctuated by four options: i) totally integrated into a larger department ii) a distinct unit within a larger department iii) a separate operating agency reporting to a Minister iv) an arms length agency reporting to a board of directors. For the purposes of this paper, we have chosen to compare the two 'extremes' on the continuum - total integration versus an arms length agency - using the two screens developed in the previous section bearing on performance and accountability.

### *Performance*

The arms length agency has some clear advantages over the total integration option based on many of the performance criteria:

- **Capacity** - Increased independence provides the potential for developing its own policy capacity. Further, agency funding levels (and therefore any budget cuts) would be more transparent to stakeholders
- **Cost effectiveness** - Control over its personnel and other administrative policies provides the potential for greater efficiencies
- **Responsiveness** - The agency would have greater control over responding to complaints
- **Internal evaluations** - Increased independence provides the potential that internal reviews could occur with greater frequency and relevance
- **Performance information to the public** - Higher visibility and independence make this more likely to occur.
- **Risk Management** - Not having to rely on overall Ministry resources and approvals makes effective risk management more likely to occur

On the other hand, the greater distance from the Ministry and therefore the government in general plays against the arms length agency on several counts:

- **Policy learning** - the arms length agency de-couples the link between government policy on PAs and service delivery; consequently, the government's capacity to learn, based on operational experience, will likely decrease
- **Co-ordination** - interministerial co-ordination on PA related matters becomes more difficult as does intergovernmental coordination, given that the Minister's role is a less active one.

In sum, on performance grounds, the arms length agency appears to have some distinct advantages and would be a clear winner if the policy learning and co-ordination difficulties could be attenuated to some degree through secondments and other integrating devices.

## *Accountability*

It is on the accountability front, however, where an arms length agency, governed by its own board of directors, runs into serious difficulties. Here is how the four criteria developed in the last section play out:

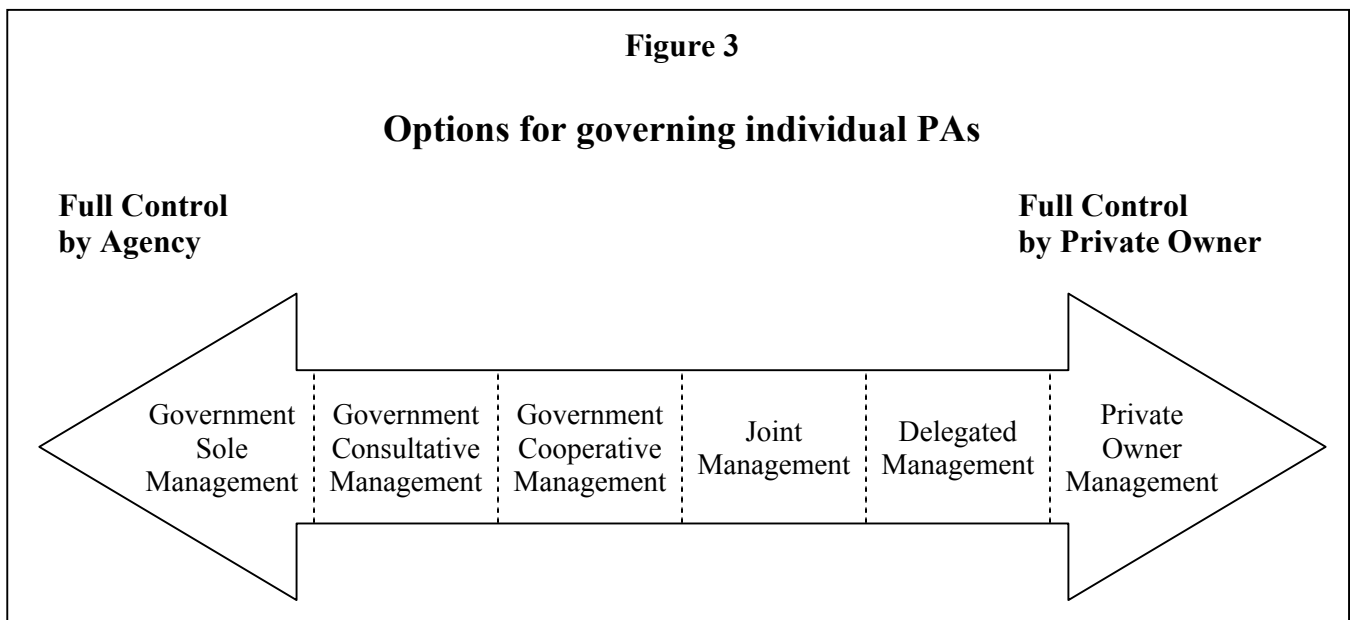
- **Clarity** - Having a board between the Minister and the agency creates the potential for significant ambiguity about who is responsible for what. The legislative base for establishing the agency might alleviate this to some extent but, given the politically charged nature of PA governance, the temptation for Ministers to avoid criticism by pointing to the Board would be great as would the reverse - for Ministers to take credit for achievements. Thus, ambiguities might abound.
- **Ministerial Role** - In parliamentary systems of government, there are certain functions which some believe Ministers should not delegate. Ultimate responsibility for use of coercive powers of the state inherent in regulatory and tax programs is one. Another might be programs with strong requirements for equity and fairness. On both counts an arms length agency raises serious concerns. That said, there is a contrasting potential of inappropriate interference by Ministers in directing individual enforcement activities, a danger which would be alleviated by an arms length agency.
- **Public Institutions of Accountability** - A key issue is the extent to which an arms length agency, in escaping the administrative controls of the government, also avoids many of its accountability mechanisms such as Auditor Generals, anti-corruption agencies, parliamentary committees, human rights commissions and so on. There are also important tenets of the common law that apply to governments in terms of assuring administrative fairness. Should the establishment of the arms length agency result in its 'escaping' many if not all of these institutions of accountability, then this option would be seriously flawed.
- **Civil Society and the media** - There is as strong relationship between the effectiveness of the media and civil society in acting as a counter weight to the power of the executive and that of accountability institutions. The loss of the information and analysis from these institutions likely means that civil society and the media can be much less effective in their roles.

In summary, the arms length agency raises serious concerns around accountability, concerns that likely outweigh the potential performance benefits that such a governance regime might produce. Examining other options that would give the agency additional administrative independence from government but would continue to have the Minister clearly responsible for the policy and regulatory aspects of the agency appears to be the prudent course of action.

## D. Applying the Principles: Options for Managing an Individual PA

The governance of individual Protected Areas has experienced rapid experimentation over the last several decades as PA agencies have attempted to incorporate a variety of stakeholders into the management of their parks and reserves. Reducing conflicts and achieving more sustainable management appear to be two of the principal 'drivers' of this experimentation.<sup>19</sup>

For our purposes it is useful once again to develop a continuum of options as outlined in the figure 3 below. (See Appendix C for a brief description of each of the options on the continuum.)



Several points of clarification are required. The first has to do with land tenure. The first three points along the continuum normally involve public lands as does the fifth option, delegated management. The fourth, joint management, could involve a mixture of different tenures - public, private indigenous. For the sixth option on the continuum, the ownership of the land rests with private individuals or corporations or a collective of indigenous peoples.

A second point is that there is no 'right' option to choose along the continuum. Context again matters. History, culture, legal issues, capacity - all of these are factors determine what might be the most appropriate spot on the continuum for a given set of circumstances. Further, an initiative may move along the continuum as time passes. A collaborative management regime is, as one author notes, more a "process" than "a fixed state of affairs".<sup>20</sup>

<sup>19</sup> Viviane Weitzner and Micheline Manseau, *Taking the Pulse of Collaborative Management in Canada's National Parks and National Park Reserves: Voices from the Field*, from "Crossing Boundaries in Park Management: Proceedings of the 11<sup>th</sup> Conference on Research and Resource Management in Parks and on Public Lands" (Hancock, Michigan: The George Wright Society, 2001)

<sup>20</sup> Grazia Borrini-Feyerabend, *Collaborative Management of Protected Areas: Tailoring the Approach to the Context*, (Social Policy Group, IUCN: <http://iucn.org>)

Finally, this continuum of governance regimes is complimentary to the IUCN categories of PAs in that this continuum can be applied to any of the six IUCN categories. For the purposes of this part of the paper, we will assume we are dealing with IUCN category II, a national park where the objectives are ecosystem conservation and recreation. The points on the continuum to be examined using our performance and accountability criteria are consultative management and delegated management with government as sole management as a base case. The objective of the exercise is to identify governance issues as opposed to choosing the 'best' option.

### *Performance*

- **Capacity** – Both options present significant capacity questions. Under consultative management, the capacity of both stakeholder organizations and the PA agency are critical to making this type of collaboration work. Stakeholder groups need to have the policy capacity to participate effectively and the agency must know how to consult, never an easy challenge. If there are cross cultural divides at play, then the task is all the more daunting. Multiple stakeholders with competing interests will also complicate matters. For delegated management, the critical capacity issues lie with the delegated organization. That said, the management skills that must lie within the agency to manage this type of arrangement are considerable.
- **Cost effectiveness** – Decision-making takes longer under consultative management. Indeed, multi-stage consultations on difficult issues can take several years to complete. On the other hand, greater cooperation among stakeholders and the agency could result in considerable ‘downstream’ savings - for example, in decreased enforcement costs – if the consultations are successful in generating ‘buy-in’ from major stakeholder groups. Other benefits include some degree of local and indigenous self-empowerment and perhaps better environmental decision-making on local issues. As for the delegated option, cost savings are not likely but other benefits such as local employment, more effective enforcement and local or indigenous empowerment could apply.
- **Responsiveness** – Both options suggest a likely improvement in responsiveness to complaints and public criticisms
- **Internal Evaluations** – This is not likely a significant factor under either option
- **Performance information to the public** – The greater transparency in decision-making under the consultative management option makes this more likely to occur. Making performance information available to the public could be a condition of the delegatory contract.
- **Risk Management** – Effective risk management may occur under a consultative management option, especially if the consultation is around local issues where stakeholders can identify potential problem areas. For a delegated situation, the discipline of developing a contract between the partners might surface the need for serious attention to risk management. Otherwise, the delegated organization might find itself in serious difficulty in the event of an ‘accident’.
- **Policy learning** – Consultative management should not affect policy learning on the part of the agency. If anything, such learning might increase as stakeholders bring new knowledge and approaches to the table. Stakeholder groups would also learn about policy matters through their participation. Under a delegated arrangement, there might be a decline in

policy learning on the part of the PA agency because of its increased 'distance' from operations.

- **Co-ordination** – Interministerial and intergovernmental co-ordination on PA related matters could be affected positively under the consultative management option assuming that consultations extended to other levels of government and involved sister departments. On the other hand, in the case of a delegated arrangement, the opposite might occur, given the less active role of the Ministry.

In sum, on performance grounds, both options (in comparison to government as sole management) present some significant potential in improving performance. There are at the same time increased risks, especially on issues of capacity.

### *Accountability*

The four criteria developed in the last part reveal a number of interesting accountability issues for the delegated management option.

- **Clarity** – The consultative management option does not change the basic accountability structure. The PA agency and ultimately the Minister have responsibility for the Protected Area. Under a delegated management approach, the Minister also remains responsible to the legislative branch for the Protected Area. Thus it would seem appropriate for the delegatory agreement to contain specific conditions for identifying performance criteria, measuring these and reporting on them.<sup>21</sup> In a similar vein, the delegatory agreement might call for a management plan to be approved by the Minister or the Agency.
- **Ministerial Role** – Under the consultation option, the ministerial role does not change. However, under the delegation option, the key question is the nature of the powers being delegated. In parliamentary systems, there are certain functions which some believe Ministers should not delegate. Thus, Ministers remain responsible for 1) overall policy direction; 2) the program delivery structure; 3) having in place accountability mechanisms for the partnership; and 4) providing the legislative branch and the public with accurate and timely information. Further, it would not appear wise for the Minister to delegate certain coercive powers such as regulatory enforcement or tax administration to a non-governmental body.
- **Public Institutions of Accountability** – The consultation option does not remove the agency from any of the reviews conducted by the public institutions of accountability. Indeed, it should ensure greater transparency of decision-making. Such is not necessarily the case in a delegated management option where the delivery partner is not part of government. To compensate for this, the delegatory instrument might include the following conditions for the partner organization:<sup>22</sup> 1) assuring adequate transparency through public access to information; 2) having complaint and redress mechanisms; 3) consulting with the public on

---

<sup>21</sup> For an example of such an accountability framework in a partnership setting, see Nola Juraitis and David Peippo, *Alternative Delivery (AD): Accountability Expectations and Approaches*, (Treasury Board Secretariat, 2000: [www.tbs.gc.ca](http://www.tbs.gc.ca))

<sup>22</sup> *Report of the Auditor General of Canada*, November 1999 Chapter 23.

important operational decisions; 4) adhering to "public sector values" such as fairness, impartiality and equity.

- **Civil Society and the media** – Both options may involve civil society in some significant way. Otherwise, their role should not be affected assuming the accountability features noted above, especially in regards to the delegated management option, are followed.

In sum, from an accountability perspective, the delegated option presents some interesting challenges, none of which appears insurmountable.

### ***Conclusions***

Applying governance principles to analyze current problems or issues – the principal focus of this section - has reinforced many of the conclusions we reached in the opening section of the paper: that there are no absolutes; that principles often conflict; that the ‘devil is in the detail’; that context matters. It also clear that applying principles involves substantial work. The nature of governance of Protected Areas – both the means and the ends – need to be understood. Only then does it make sense to elaborate the principles in order to create a meaningful analytical tool. And this is no easy task.

Several shortcomings need to be acknowledged. The analysis might have been richer if we had used all five principles rather than relying solely on performance and accountability. For example, there are many issues around ‘voice’ and ‘fairness’ in the two areas we chose to apply the principles, issues that never adequately surfaced. Further, we confined the application of principles to parliamentary systems with which we have some familiarity. It remains to be seen how similar applications might work in, say, congressional systems.

## **III. CONCLUSIONS**

Governance is a concept that resonates well with those involved in environmental issues. One of the central ideas underlying governance – that it is concerned with relationships among a number of political actors – meshes with the ecological notion that “everything is connected to everything else”. Consequently, it is not surprising that those involved in Protected Areas might find the concept attractive.

Developing a set of governance principles at a high level of abstraction is not difficult. Few would disagree with the content of the lists reviewed earlier in this paper. But governance is about power, how it is exercised and how individuals are held accountable. It would be surprising if applying governance concepts did not present a major challenge, one that is further complicated by the importance of context – culture, history and technology – and whether we are dealing with a parliamentary, congressional or some other system of government.

In taking on the task of applying governance principles to problems in Protected Areas, we found that considerable analysis is required. Each of the principles themselves demands elaboration. Further, the means and ends of PA governance need to be well understood and that brought us immediately into difficult areas like regulatory management, tax and licensing systems, science

programs, rights of indigenous peoples and infrastructure management. Finally, tailoring may be necessary to accommodate different forms of government and varying historical and cultural circumstances among other things.

### *Next Steps*

In Ottawa in mid April, some two dozen individuals, drawn from a diverse set of backgrounds, discussed an earlier version of this paper. Debate centred on two broad options for proceeding. The first would focus future efforts at 'internationalizing' the approach by, among other things, including more examples from third world countries, applying the analysis to other forms of government (e.g. Congressional forms) and adding other Aboriginal perspectives.

Doubt about whether a single set of useful tools could be developed to fit the wide variation in contexts facing Protected Areas across the globe formed the basis of the second option. Thus, this option would centre on further developing the analysis from a Canadian perspective by a) elaborating the three principles - legitimacy and voice, direction and fairness - mentioned but not discussed in this version of the paper and b) applying the analysis to a wider set of Canadian examples. Specifically, some of the bodies established under claims settlements with indigenous peoples in Canada's north might be useful additions to illustrate governance at an eco system level. Following completion of this 'Canadianized' paper, the next step would be invite others from different parts of the world to use the principles and methodology in the paper to analyze their own 'stories' as a test of the approach.

We are proposing to proceed under the second option, convinced of the soundness of the arguments bearing on the importance of context in governance. A schedule for proceeding might be the following:

- Complete the next phase of the paper in May-June
- Circulate the paper in July, asking others (PA agencies, NGOs) to apply the principles to their examples
- Hold an international seminar in October or November 2002 to discuss the viability of the principles and the methodology for applying them
- Make further adjustments following the seminar to the principles and methodology.

## APPENDIX A

### EXAMPLES OF GOVERNANCE CHALLENGES<sup>23</sup>

#### *From a Global Perspective*

- **Role of Global Conventions** - What role should global agreements have? Should they bind governments in legally enforceable ways or are they best left as guidelines to sound conduct?
- **Future priorities** - What gaps exist in the current suite of global initiatives and where should future energies be directed?
- **Other examples** - Are there other areas of public policy where global initiatives have proved effective, and if so, what can be learned from these for application to Protected Areas?

#### *From an Agency-wide perspective*

- **Decentralization of PA governance** - what has been the impact of this trend, often encouraged by international donor agencies? Is there a need for national agencies?
- **Appropriate range of responsibilities** - what are the advantages and disadvantages of having one agency responsible for i) the full range of PA categories? ii) marine and terrestrial PAs? iii) PAs and in addition historic sites, wildlife and tourism?
- **"Homes" for PA agencies** - What are the principal advantages and disadvantages of departments responsible for the environment? land and/or ocean planning? heritage? tourism? resource management? Indigenous affairs?
- **Degree of independence from government** - What are the implications of the following: i) totally integrated into a larger department ii) a distinct unit within a larger department iii) a separate operating agency reporting to a Minister iv) an arms length agency reporting to a board of directors?

#### *Governance of Individual PAs*

- **Collaborative management** - How are local interests balanced with national interests? What approaches will ensure greater equity for local communities? Are there distinct challenges to collaborative management for each category of PA? What powers should collaborative boards have?
- **Adaptive management** - Are there models of governance for PAs that favour and support an adaptive approach?
- **External aid** - How does the need to obtain and manage external support affect elements of a governance regime e.g. structure, policies?
- **Issues related to non-governmental entities involved in PA management**
  - **Capacity** - How can such organizations develop and sustain the necessary capacity to assume important governance functions?

---

<sup>23</sup> Material in this Appendix is based primarily on an unpublished discussion paper written by Bruce Amos of Parks Canada entitled *Key Governance Issues for Protected Areas in the 21<sup>st</sup> Century*. The paper is available from Parks Canada.



- **Accountability** - To whom are such organizations accountable? What happens to these accountability mechanisms when organizations receive funding from governments or external aid agencies?
- **Role of the Board and staff** - How can organizations avoid boards that ‘micro manage’ or staff who do everything?
- **Private sector** - What roles should for profit entities play in PA governance?

### *Governance of Eco Systems*

- **Links to the broader ecosystem** - What types of integrative governance mechanisms appear to be working best: i) UNESCO biosphere reserves ii) model forests that include PAs iii) transborder collaboration including peace parks iv) joint structures for regional integration v) integrated conservation and development projects

## APPENDIX B

### IUCN SYSTEM OF PROTECTED AREA MANAGEMENT CATEGORIES<sup>24</sup>

The six management categories are defined by the primary management objective, as follows:

- I. Protected area managed mainly for I(a) science or I(b) wilderness protection.** Areas of land and/or sea possessing some outstanding or representative ecosystems, geological or physiological features and/or species, available primarily for scientific research and/or environmental monitoring; or large areas of unmodified or slightly modified land, and/or sea, retaining their natural character and influence, without permanent or significant habitation, which are protected and managed so as to preserve their natural condition. (Strict Nature Reserve/Wilderness Area).
- II. Protected area managed mainly for ecosystem conservation and recreation.** Natural areas of land and/or sea, designated to (a) protect the ecological integrity of one or more ecosystems for this and future generations, (b) exclude exploitation or occupation inimical to the purposes of designation of the area and (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible. (National Park).
- III. Protected area managed mainly for conservation of specific features.** Areas containing one, or more, specific natural or natural/cultural feature which is of outstanding or unique value because of its inherent rarity, representative or aesthetic qualities or cultural significance. (Natural Monument).
- IV. Protected area managed mainly for conservation through management intervention.** Areas of land and/or sea subject to active intervention for management purposes so as to ensure the maintenance of habitats and/or to meet the requirements of specific species. (Habitat/Species Management Area).
- V. Protected area managed mainly for landscape/seascape conservation and recreation.** Areas of land, with coast and sea as appropriate, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, cultural and/or ecological value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area. (Protected Landscape/ Seascape).
- VI. Protected area managed mainly for the sustainable use of natural ecosystems.** Areas containing predominantly unmodified natural systems, managed to ensure long-term protection and maintenance of biological diversity, while providing at the same time a sustainable flow of natural products and services to meet community needs. (Managed Resource Protected Area).

---

<sup>24</sup> *Guidelines for Protected Management Categories*. Part II: The Management Categories. IUCN. <http://wcpa.iucn.org/pubs/pdfs/IUCNCategories.pdf>

## APPENDIX C

### CONTINUUM OF OPTIONS FOR GOVERNING INDIVIDUAL PROTECTED AREAS<sup>25</sup>

One way that Protected Area governance can be described is through the degree of collaborative management involved in governance. This approach reflects the evolution governance of PAs and allows distinction in the range of traditional and innovative approaches.

#### **Government Sole Management**

Accountability for management of the PA rests solely with a government agency (national, state, or local) which does not have any obligation to involve other stakeholders prior to making decisions. Lands comprising the PA are normally in public tenure.

#### **Government Consultative Management**

Accountability for management of the PA rests with a government agency (national, state, or local) which has normally consults (and may have an obligation to consult) other stakeholders as appropriate prior to making decisions. Lands comprising the PA are normally in public tenure.

#### **Government Cooperative Management**

Accountability for management of the PA rests with a government agency (national, state, or local) which has a requirement to cooperate with other identified stakeholders in managing the area and in making decisions. Lands comprising the PA are normally in public tenure.

#### **Joint Management**

Accountability for management of the PA rests jointly with a government agency (or agencies) and representatives of other non-government stakeholders who together collaborate in managing the area and in making decisions. Lands comprising the PA may be a mixture of different forms of tenure - public, private, indigenous.

#### **Delegated Management**

Accountability for management of the PA has been delegated by government to one or more clearly designated organizations (this could include local government bodies, indigenous people's organizations, private corporations, environmental NGO's or multi-stakeholder groups) who manage the area and make decisions within mandated directions. Management delegation relates to public lands and the lands are normally retained in public ownership.

#### **Private Owner Management**

Accountability for management of the PA rests with private (non-government) individuals, corporations or representatives of indigenous people who are owners of the lands, who have formally dedicated the lands to conservation, who manage the area and make the decisions.

---

<sup>25</sup> Material in this Annex is taken from unpublished work done by Bruce Amos and Jim Johnston of Parks Canada. Contact Parks Canada for more information.

See also: Borrini-Feyerabend, Grazia. *Collaborative Management Of Protected Areas: Tailoring The Approach To The Context*. Issues in Social Policy, Social Policy Group, IUCN. <http://iucn.org/themes/spg/index.html>.