Advancing equitable governance in area-based conservation

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Executive summary

This WCPA issues paper provides an overview of the equitable governance element of Target 3 of the Kunming Montreal Global Biodiversity Framework (GBF) agreed at COP15 of the Convention on Biological Diversity in December 2022, and strategies that could deliver real progress on this key element of what is also known as the "30x30" target.

Advancing equitable governance is key to advancing equity and rights in area-based conservation. Its framing is based on the concept of environmental justice which defines three interconnected dimensions of justice and equity – recognition, procedure, distribution. Recognition is about acknowledging and respecting all actors and their rights, identities, knowledge, values, and institutions. Procedure is about inclusive rule and decision-making, access to information and justice, including grievance redress, and accountability. And distribution is about equitable distribution of costs/burdens and benefits among relevant actors. More equitable governance is achieved through advances in one or more of these dimensions and/or the enabling conditions that affect all three dimensions.

The paper builds on earlier work that informed voluntary guidance on equitable governance of protected and conserved areas that was endorsed by CBD Parties at COP14 in 2018, reflecting some important advances in guidance and tools and key changes in the context between the era of Aichi Target 11 of the CBD Strategic Plan 2011-2020 and that of the 30x30 target of the GBF up to the year 2030.

A key change in context is the growing recognition of the importance of equity and respect for rights, and thus equitable governance, for improving both the social outcomes of conservation for of Indigenous Peoples & Local Communities (IPs & LCs) and the ecological outcomes, and there is growing evidence that investing in advancing equitable governance at site and system levels delivers both. Indeed, there is growing consensus that more equitable governance of PCAs will be a key to success in delivering the expansion in coverage and management effectiveness elements of Target 3 (30x30 target).

Photo: Batwa Indigenous people participating in a governance assessment at Echuya Central Forest Reserve, Uganda. © Medard Twinamatsiko

This paper focuses on five important developments in guidance and tools and in the context of area-based conservation since the earlier CBD-endorsed guidance of 2018. In terms of context, this paper covers the cross-cutting commitments in the GBF to a human-rights based approach, respecting and protecting IP & LCs rights, and recognising different value systems of different stakeholders and rightsholders, and better understanding of enabling conditions for advancing equity, and strategies to improve them. In terms of guidance and tools, this paper covers the role of social safeguards for both mitigating risks of future negative impacts on IPs & LCs and nature and for increasing benefits for people and nature, and monitoring progress on the equitable governance element of Target 3. Furthermore, we look at important linkages among Target 3 and Target 22 on procedural rights and Target 23 on gender equality.

Photo: Community members engaged in periodic harvesting in a marine reserve in the Solomon Islands. © Alec Hughes, Wildlife Conservation Society

Drawing on this paper, the existing guidance on equitable governance that was endorsed by CBD Parties at CBD COP14 is being updated. This updated guidance will include suggested actions for multiple actors – including governments and donors, NGOs, and organisations and networks of IPs & LCs – based on a road map that was developed at a global workshop in Nanyuki, Kenya in January 2024. Many of these are new but some may look like more of the same approaches that failed to deliver much progress for Aichi Target 11. Progress under with GBF over the next six years will need to be a great deal better. Although the aim that all systems of PCAs will be equitably governed by 2030 may not be achievable, this paper makes the case that area-based conservation can now do a great deal better than in previous decades and aims to provide the stronger foundation that is needed to do so.

Acknowledgements

This paper started life as background paper for a global level workshop entitled "*Advancing Rights and Equity in the Implementation of GBF Target 3*", which was held in Nanyuki Kenya in January 2024. Discussions at the workshop further advanced the paper and we would like to thank all the workshop participants for their contribution in this regard. Of course, particular thanks to the co-authors, many of whom attended the workshop, for their contributions of text and comments on the many drafts. Last, but not least, thanks to Sue Stolton and Nigel Dudley for the final edit and polish required to turn the document into an Issues Paper of the IUCN World Commission on Protected Areas.

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Preface

This Issues Paper of the IUCN World Commission on Protected Areas provides an overview of the concept of equitable governance as used in Target 3 of the Kunming-Montreal Global Biodiversity Framework – otherwise known as the 30x30 Target. It charts the emergence of governance as a key issue for protected areas over the last twenty years since the World Parks Congress of 2003, growing attention to equity in area-based conservation over the last 15 years, the merger of these two to become the concept of equitable governance, and recent developments. This paper should be of value to a wide range of conservation policymakers and practitioners aiming to promote equity and rights in area-based conservation. Specifically, it aims to inform an update of the existing guidance on equitable governance, developed for Aichi Target 11 and endorsed at CBD COP14 in 2018, to deliver on the much greater equity ambition of GBF Target 3.

Introduction

This paper provides an overview of the principle of equitable governance that is now a key element of Target 3 of the Global Biodiversity Framework (GBF) developed under the Convention on Biological Diversity (CBD) and agreed in December 2022. Also known as the '30x30 target', this aims for at least 30% of the surface of the planet to be effectively conserved by 2030 through area-based conservation – protected areas (PAs), other effective area-based conservation measures (OECMs) and indigenous and traditional territories (ITTs) – and for these areas to be both effectively managed and equitable governed (along with other qualitative considerations).

The commitment to equity in GBF Target 3 is much more ambitious than that in Aichi Target 11 of the previous CBD ten-year strategy (2011-2020) both in terms of equity being framed as an issue of governance rather than management, and scale of this equity target (30% vs 17% coverage). However, there was little progress on equity in the period 2011-20 from a global perspective,[1] although there were major advances in some areas which indicate potential to do much better. Part of the reason for inadequate progress was limited understanding of equity, and closely related concepts of fairness and justice, in the context of area-based conservation, as indicated in equity being considered an issue of management when, as highlighted in the Global Assessment of the Intergovernmental Panel on Biodiversity and Ecosystem Services (IPBES), most of the leverage points for transformative change are in governance.[2]

Efforts to address this gap in the period 2015-17, led by GIZ, the International Institute for Environment and Development (IIED), International Union for the Conservation of Nature (IUCN), its World Commission for Protected Areas (WCPA) and Commission on Environmental, Economic and Social Policy (CEESP) commissions gave rise to important developments in conceptual frameworks, guidance and tools including the Voluntary Guidance on Effective and Equitable Governance Models that was endorsed at CBD COP14.[3] While this guidance, and the work that underpins it, remains relevant, there have been major changes in the policy, practice and underlying discourse of biodiversity conservation, and nature conservation more broadly, over the past 10 years. In particular, there is growing recognition of the enormous contributions of Indigenous Peoples (IPs) & Local Communities (LCs) – past and present – to maintaining biodiversity, and advancing rights and equity.[4] Alongside this, there have been important advances in the understanding of equity and human rights-based approaches in the context of area-based conservation and in policy and practice. The adoption of GBF Target 3 now provides a major opportunity to reflect, adapt and accelerate these advances.

As summarised in the existing guidance for CBD parties, equity in conservation is largely a matter of equity in governance, including respect for rights. In other words, advancing equity in area-based conservation can be secured by advancing equitable governance. This Issues Paper aims to stimulate and inform the updating of existing concepts, guidance and tools that is needed in the context of conservation over the next decade, including GBF Target 3. A key opportunity to do so is updating the guidance on equitable governance that was endorsed by CBD Parties at COP14, and this paper provides technical underpinning for this update. More fundamentally, this paper makes the case that all forms of engagement with IPs & LCs in area-based conservation should be based, first and foremost, on considerations of equity and rights, and recognition that increasing the contribution of conservation to the livelihoods and well-being of IPs & LCs flows from measures that advance equity and rights, rather than the other way around.

In the English language, equity and fairness can be regarded as equivalent. In conservation policy, equity language has been the norm since formulation of the convention itself in 1992 where one of the three pillars of the convention is expressed in terms of equitable sharing of benefits. In area-based conservation the term fairness is also common when referring to situations where the concept of fairness may be better or more widely understood than equity.

As outlined in this paper, our understanding of equity is based on the concept of environmental justice[5] and its interpretation by Martin in his book *Just Conservation*.[6] Equity and justice have a somewhat different meaning both in terms of theory and in the politics of the debates about where they are used. Justice tends to be more the language of activism that identifies and challenges injustice, and this may be why some CBD Parties are uncomfortable with the term and object to its use in the CBD. Thus, while in climate change the social dimension is increasingly framed in terms of climate justice, the CBD continues to use the language of equity that is already accepted but with a very progressive interpretation based on environmental justice.

Evolution of global policy on governance, equity and rights

In global conservation policy, increasing attention to governance, equity and rights goes back at least to the World Parks Congress of 2003 in Durban, South Africa. A keynote presentation there on "Governance of protected areas in the 21st century" proposed a framework of good governance principles for protected areas based on a framework developed by UNDP which has been widely used in the development sector – see table 1.[7]

Table 1: A framework of good governance principles for protected areas presented at the World Parks Congress in Durban South Africa in 2003.

Good governance principle	UNDP principles on which they are based
1. Legitimacy and voice	▪ Participation ▪ Consensus orientation
2. Direction	▪ Strategic vision including human development and historical. Cultural and social complexities
3. Performance	▪ Responsiveness of institutions and processes to stakeholders ▪ Effectiveness and efficiency
4. Accountability	▪ Accountability to public and institutional stakeholders ▪ Transparency
5. Fairness	▪ Equity ▪ Rule of law

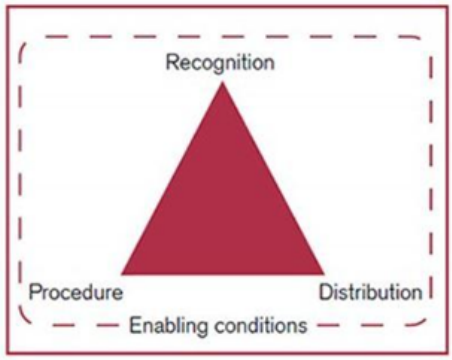
Shortly after, the CBD developed and approved a major Programme of Work for Protected Areas (PoWPA) which had 16 goals including "equitable sharing of both costs and benefits arising from the establishment and management of protected areas" (goal 2.1) and "full and effective participation of indigenous and local communities, in full respect of their rights" (goal 2.2). Although there were many references in the PoWPA to the importance of governance, including the overall framing of goal 2.2, at this stage the main emphasis was on participation, and, in terms of equity, the sharing of costs and benefits, i.e. distributional equity (see page 10 for a definition).

In the following years, work by IUCN and its CEESP and WCPA commissions expanded the scope of governance considerations to include all elements of the UNDP framework including respect for human rights and respect for the rights of Indigenous Peoples to their lands, territories, and resources. Finally, ten years after the Durban Parks Congress, IUCN WCPA produced the key Best Practice publication "governance of PAs – from understanding to action".[8] This includes a framework of 40 key considerations for good governance of PAs under the five principles in the left-hand column of table 1 but with the fifth principle changed to fairness and rights and covering respect for human rights and the rights of IPs as described in UN Declaration on the Rights of Indigenous Peoples (UNDRIP), including the right to free, prior and informed consent. This publication provided a framework for understanding the meaning of equitable governance but not yet practical tools to apply it.

Although respect for rights is a key element of the concept of equitable governance – see Figure 1 - the struggle that IPs & LCs have continually struggled for recognition and respect for their rights. Numerous revelations of rights violations in conservation practice, have led to a growing consensus in the latter stages of the development of the GBF that respect for rights should be an explicit element of Target 3 alongside the overarching commitment to a human rights-based approach in Section C ("Considerations for the implementation of the framework") of GBF.

Figure 1: Extract from Voluntary Guidance on Equitable Governance for Protected Areas

9. Equity can be broken down into three dimensions: recognition, procedure and distribution: "Recognition" is the acknowledgement of and respect for the rights and the diversity of identities, values, knowledge systems and institutions of rights holders and stakeholders; "Procedure" refers to inclusiveness of rule- and decision-making; "Distribution" implies that costs and benefits resulting from the management of protected areas must be equitably shared among different actors. The figure below shows the three dimensions. A recently developed framework for advancing equity in the context of protected areas proposes a set of principles against which the three dimensions can be assessed.



Governance, equity and rights in conservation practice

Over many years going back to the colonial era, certain approaches to area-based conservation, most obviously those relying on paramilitary style law enforcement, have had serious negative impacts on IPs & LCs ranging from eviction from ancestral lands, torture and murder to harm to well-being caused by loss of access to key resources, human-wildlife conflict and loss of cultural heritage. In 2024, the "do no harm" moral argument for equity and respect for rights in conservation is now widely accepted at international level and in many countries, as reflected in the social safeguard policies and systems of most governments and donors.

However, the moral argument is more than "do no harm". Another outcome of the 2003 World Parks Congress was agreement on the principle, "protected areas should strive to contribute to poverty reduction at the local level and at the very minimum must not contribute to or exacerbate poverty".[9] In

other words, the moral argument for equity and respect for rights in area-based conservation is also about making a positive contribution to the lives and livelihoods of people living within and/or around the area. In the language of human rights-based approaches this is about contributing to protecting and fulfilling as well as respecting human rights. And, as in the IPBES "Nature's Contribution to People" framework,[10] the contribution of nature and its conservation to people is now framed in the much broader sense of human well-being/quality of life rather than the framing of relative and absolute poverty developed and used by northern/western development agencies.

Advocates of equitable governance and respect for the rights of IPs & LCs have long argued that equity and respect for rights are also critical conditions for area-based conservation to succeed in effective and sustainable management and conservation of biodiversity and ecosystem services. For community-led approaches this was established years ago by the Nobel prize-winning work of Elinor Ostrom and colleagues,[11,12] and more recently reinforced by numerous studies showing that where IPs & LCs have secure tenure of their lands/waters and resources, nature conservation outcomes tend to be better than on lands owned by governments/states.[13,14] But for PAs where governance is not led by Indigenous Peoples and/or local communities – the majority of the more than 250,000 in the World Database of Protected Areas – evidence that more equitable governance and respect for rights delivers better conservation outcomes is generally inconclusive. But this is now changing.[15]

Recent developments in understanding of equity in conservation

Building on research on environmental justice,[16] and social justice[17] more broadly, the emerging literature on equity in conservation (e.g.,[18]) tends to identify three core equity dimensions: distribution, procedure and recognition.

Distributional equity is concerned with equitable distribution of benefits and costs among relevant actors, and has, until recently, been the focus of the majority of scholarship related to conservation.[19] Indeed, the field of environmental justice emerged in the 1980s from activism related to the unequal distribution of environmental hazards in the USA.[20]

Procedural equity tends to focus on the fairness of decision-making processes. However, in environmental justice and in governance of protected areas,[21] there is also a strong emphasis on transparency and accountability, access to information, and to justice, including grievance mechanisms and conflict resolution.

Recognitive equity is concerned with acknowledging and respecting rights and sociocultural diversity, including identities, values, knowledges, and institutions, and challenges the dominance of some forms of conservation knowledge, especially where this excludes, mis-represents or disrespects other knowledge holders. Recognitive equity has received the least attention in the conservation literature.[22] Rights in the context of environmental justice and conservation include both rights that apply equally to every human on earth and rights that are specific to certain social groups in certain contexts. Human rights in international law and national constitutions include both substantive rights relating directly to human well-being, increasingly including the right to a healthy environment, and procedural rights relating to decision-making, access to information and justice, as in the Escazu agreement[23] which covers

environmental procedural rights in Latin America, which in turn is based on the Aarhus Convention[24] in Europe.

Though clearly distinct, these three dimensions of equity are strongly interconnected. Advances (or losses) in one dimension can affect another. For example, mutual respect between actors promotes more inclusive decision-making. And more inclusive decision-making promotes more equitable sharing of benefits.

Right are normative – defined by norms or standards that are usually enshrined in law at international, national or in some cases local levels (as in byelaws). That said, with the enormous diversity of rights, rights may at times be in competition or conflict, if not in terms of the right itself, then because of trade-offs facing duty-bearers in fulfilling their duties to respect different rights.

Likewise, equity has generally been defined in normative terms (e.g. best practice principles) but there is growing attention to empirical approaches. An empirical approach deals with individuals' conceptualisations or notions of equity.[25] It emphasizes that understanding equity is both plural (i.e., reflecting a diversity of worldviews and values) and context dependent, with what is considered fair across the three equity dimensions being shaped by individuals' experiences and socio-cultural context.[26] For example, although the conservation equity and environmental justice literature often equates equity with equality,[27] social justice literature states that a fair distribution of benefits can also be determined according to principles of need, or proportionality, for example where benefits received are proportional to costs borne.[28]

Since 2011 when equity in area-based conservation was included in Aichi Target 11 of the 2011-2020 CBD Strategic Plan, there has been increasing attention to equity in conservation research and practice. This includes quantitative and qualitative assessments of the three equity dimensions in relation to a protected area in Laos[29] and marine protected areas in the Mediterranean Sea.[30]

In recent years, a number of conceptual/analytical frameworks have been developed for the purposes of monitoring and assessment of equity in area-based conservation, including Gurney et al.'s (2019) social-ecological framework for monitoring coral reef area-based conservation[31] which includes indicators on perceived distributional and procedural fairness, and Mahajan et al.'s (2023) framework for monitoring governance of area-based conservation which includes indicators on gender inclusion and benefit sharing.[32]

With respect to understanding equity in area-based conservation, of particular note is Schreckenberg et al. (2016) equity framework for protected areas, which is comprised of 16 principles under the three equity dimensions, and 'enabling conditions', in which all three dimensions are embedded[33] – see table 2. Enabling conditions are defined in this framework as the "*factors that are beyond the immediate control of the managers and other local stakeholders…[that] can greatly advance the equity with which protected areas are established, governed and managed*".

Table 2: Sixteen principles for equity in PCA conservation (from Schreckenberg et al, 2016)[34]

RECOGNITION
1. Recognition and respect for human rights
2. Recognition and respect for statutory and customary property rights
3. Recognition and respect for the rights of Indigenous peoples, women and marginalized groups
4. Recognition of different identities, values, knowledge systems and institutions
5. Recognition of all relevant actors and their diverse interests, capacities and powers to influence
6. Non-discrimination by age, ethnic origin, language, gender, class and beliefs
PROCEDURE
7. Full and effective participation of all relevant actors in decision-making
8. Clearly defined and agreed responsibilities of actors
9. Accountability for actions and inactions
10. Access to justice, including an effective dispute-resolution process
11. Transparency supported by timely access to relevant information in appropriate forms
12. Free, prior and informed consent for actions that may affect the property rights of Indigenous peoples and local communities
DISTRIBUTION
13. Identification and assessment of costs, benefit and risks and their distribution and trade-offs
14. Effective mitigation of any costs to Indigenous peoples and local communities
15. Benefits shared among elevant actors according to one or more of the following criteria:
• equally between relevant actors or
• according to contribution to conservation, costs incurred, recognized rights and/or the priorities of the poorest
16. Benefits to present generations do not compromise benefits to future generations
ENABLING CONDITIONS
1. Legal, political and social recognition of all protected area governance types
2. Relevant actors have awareness and capacity to achieve recognition and participate effectively
3. Alignment of statutory and customary laws and norms
4. An adaptive, learning approach

Of the 16 equity principles in the framework of Schreckenberg et al, 15 relate to governance quality. The authors conclude that advancing equity, including respect for rights, in area-based conservation is largely a matter of improving governance with a strong emphasis on equity, i.e., "equitable governance". This represents a significant shift from understanding equity as an issue of management (as in Aichi Target 11) towards understanding equity as an issue of governance. While management "is about what is done to deliver the agreed objectives and strategies", governance "is about who has the authority to decide objectives and strategies, how decisions are made, how other actors influence these decisions, and how those with authority and responsibilities are held to account".[35]

Drawing on the framework of Schreckenberg et al., Zafra-Calvo et al. (2017) proposed a 10-indicator system for assessing distributional, procedural and recognitional equity for protected areas, which was applied in a survey to managers and community representatives of 225 protected areas.[36] Since then, Schreckenberg et al.'s (2016) framework has been increasingly widely used, notably as the basis of: (1) the Site-Assessment for Governance and Equity (SAGE; IIED 2021), and (2) the guidance on equitable

governance of protected areas and OECMs that was endorsed by CBD Parties as COP 14 in December 2018.[37] However, with the rapidly evolving context of area-based conservation since 2018, and, in particular, with discussions around the 30x30 target over the last five years, some key limitations and gaps in the equity framework described in the 2018 guidance to CBD Parties have become increasingly apparent and necessitate an update of the guidance and supporting information as outlined in the following section.

Assessing/evaluating the situation at a particular protected area/OECM regarding equity and respect for rights takes the form of an assessment of "governance quality" of the governance arrangements of the protected area/OECM in relation to a set of principles of equitable governance. In addition to externally driven assessments, there are now a number of actor-led assessments that are designed to inform and encourage action by site-level actors to enhance equity such the Site-level Assessment of Governance and Equity (SAGE) tool.[38] Although there may well be weaknesses in governance that are obvious to all actors and can be identified by almost any type of assessment, an actor-led assessment provides a better process for identifying and prioritising weaknesses and actions needed to address these, and for revealing and reconciling different perspectives on equity. In situations of limited financial and political capital, prioritisation is not as straightforward as it may seem since prioritisation criteria include both potential for improving both social and conservation outcomes and likelihood of success as well as cost and other feasibility factors.

Conversely, there is plenty of evidence that broad-brush, blue-print approaches to improving governance of PAs often fail to meet expectations – for example, as seen with the large investments made in co-management of protected areas and integrated conservation and development projects in the 1990s and 2000s.[39] In other words, to advance equitable governance in delivering on GBF Target 3 there will be no standard set of interventions that are more or less optimal across a protected area system in a given country. But as conservation practitioners in a country gain more experience in, and enthusiasm for, advancing equitable governance, and a strong emphasis on learning, patterns should emerge that allow for economies of scale.

Key updates to guidance on advancing equitable governance

A human rights-based approach

A very significant development in the GBF compared to previous CBD strategies is the commitment to a human rights-based approach (HRBA): "*The implementation of the Framework should follow a human rights-based approach, respecting, protecting, promoting and fulfilling human rights"*. [40]

If an actor *respects* a right, it means that they do not themselves infringe on or violate rights-holders' exercise or enjoyment of that right or contribute to others doing so. *Protecting* refers to actions taken to prevent actors other than themselves from infringing on or violating that right. Promoting and fulfilling mean going beyond ensuring no harm to assist rights-holders to exercise and enjoy their human rights, including by supporting enabling conditions. Respecting, protecting and promoting and fulfilling rights all require active measures, including a good understanding of the context, including which and whose rights might be positively or negatively affected by conservation actions and how. Rights refer both to rights of individuals and collective rights of certain social groups, notably the collective land, territory and resource rights of Indigenous Peoples and the distinct but in some cases similar rights of local communities.

Part of what makes HRBAs powerful is that they focus on both rights and rights-holders, and duties and duty-bearers. In law, for every right of a rights-holder there is an obligation on one or more duty-bearers to take certain actions to ensure that the right is respected, protected, promoted or fulfilled. A duty is a legal obligation to take action to respect/protect/promote/fulfil a right.

States are the primary duty-bearers under international law, with duties to respect, protect, promote, and fulfil. However, as outlined in the Guiding Principles on Business and Human Rights that were endorsed by the UN Human Rights Council in 2011, all actors, including businesses and NGOs have obligations to at least respect rights within the scope of their influence and power, and as far as possible contribute to protection.[41] In other words, HRBA maintains that there is an obligation to respect human rights that extends to all who have it within their power to act whether or not legally obliged to do so, as reflected in social safeguards of donors, NGOs and governments that exist in policy but not, or not yet, in law.

The understanding of equitable governance in the existing guidance endorsed by CBD Parties in 2018 simply refers to respect for rights without reference to what kind of rights these may be, the higher ambition of protecting, promoting and fulfilling rights, and the reciprocal duties of duty-bearers. As framed in the GBF, a human rights-based approach has a crucial role to play both in relation to specific human rights and, more generally, in advancing equity in recognition, procedure and distribution. As such, a human rights-based approach not only puts a spotlight on human rights that are particularly relevant to nature conservation but also sits within a framework for advancing equity in conservation as a powerful "enabling condition" (see the next section).

Enabling conditions for advancing equity

We define enabling conditions as "social, political, and economic conditions that enable efforts to advance recognition, procedural and distributional equity in area-based conservation", and when we identify a certain issue as an enabling condition it is likely that the opposite condition will be a barrier. In the academic literature, such enabling conditions are described as issues of "contextual equity" and barriers as issues of "contextual inequity" – "the uneven playing field created by pre-existing conditions".[42]

As noted in section 4, the three dimensions of equity are interconnected so that progress in one dimension may support or promote progress in another. For example, progress in recognition is often necessary for more inclusive decision-making (procedure). Or progress on land tenure may be essential for inclusive decision-making and equitable benefit sharing.[43] Enabling conditions (or barriers), on the other hand, directly affect progress in more than one equity dimension. For example, extreme poverty can result in discrimination and/or violation of human rights (issues of recognition), and, for the ultra-poor, lack of participation in decision-making (an issue of procedural equity).

The equitable governance element of Target 3 is actually framed as "equitably governed systems" of protected and conserved areas (PCAs). In this context "the system" at national level is understood as the collection of all protected areas and conserved areas (under any conservation status, recognised or not) within a country and the institutional arrangements, formal and informal, that link them. This framing of the system includes, but is bigger than, the "protected area system" of a particular conservation agency (e.g., national protected area authority) and also includes projects and programmes of different actors that support specific PCA sites or elements of the national PCA system. While this framing of PCA system

tends to define the boundaries of area-based conservation, it is crucial to keep in mind that any system or systems of PCAs are embedded within a wider social-economic-political system and some enabling conditions/barriers will lie in this wider system.

Table 3 lists some generic enabling conditions that commonly influence area-based conservation, based on an analysis at a recent workshop on equity, rights and the 30X30 target.[44] There are certainly others, both generic and more context specific, so this analysis should be regarded as very much work in progress.

Conditions 1-4 typically operate within the area-based conservation system and therefore the leverage points for change are within the system, for example national policy and legal frameworks for area-based conservation, and the balance of power among IPs & LCs. In some cases the leverage point for influencing the condition may be at individual sites, for example the balance of power between actors where there is an "implementation gap" between what is specified in national policy and the reality at that site. On the other hand, promoting the enabling condition may require change in national policy and the leverage point will be at national level.

Table 3: Enabling conditions

Social, political and economic conditions that enable efforts to advance recognitive, procedural and distributional equity in area-based conservation.

1. Policy that promotes more equitable governance in practice.
2. Equitable balance of power between actors including IP & LCs and other actors
3. Alignment of statutory and customary laws and norms
4. Commitment to a human rights-based approach
5. Recognition of IPs and LCs in national legislation
6. Absence of extreme poverty
7. Socio-economic equality
8. Rule of law

Enabling conditions (and barriers) can affect not only the success of measures designed to advance equity and rights related to issues past and present, but also measures to avoid or otherwise mitigate future risks - see next section on safeguards. Better understanding of enabling conditions (and barriers) can also reveal new opportunities for advancing respect for rights and equity in conservation.
Actions to advance rights and equity in conservation typically focus on one or more of the three dimensions of equity, for example with action to raise IPs & LCs awareness of their rights, actions to increase the influence of women on decision-making, or actions to counter elite capture in benefit sharing. It has been less common for area-based conservation actions to address enabling conditions, especially where the leverage points lie beyond the scope of the project, or it does not have the resources or mandate to take on such action, or the chances of success seem very low. All too often, enabling conditions that are critical to the success of area-based conservation (e.g., real IP & LC empowerment) have been considered beyond the scope of the conservation initiative, or addressed in simplistic ways that end up being ineffective, for example with "livelihood interventions" designed to provide alternative sources of materials and/or income, or in a more general sense reduce poverty. Bitter experience of many "integrated conservation and development projects" tells us we need to give more attention to marginalisation and poverty, not as a contribution to poverty reduction per se, but as a barrier to advancing equity and rights and thereby enable conservation to deliver better social and ecological outcomes.

In our updated framework we argue that we must revisit assumptions about influencing certain key enabling conditions. This is because the growing understanding, experience and tool-box of governance, equity and human rights-based approaches reveals that some of these issues are much more important in

terms of conservation and social outcomes and not as difficult and costly to address as previously thought. And, furthermore, because there are increasingly favourable enabling conditions at global level in terms of funding and policy, not least of which is the commitment to equity and rights in the 30x30 target itself.

Prominent in the list of enabling conditions in Table 3 is the balance of power between IPs & LCs and other dominant actors, applying not only to the relative influence of IPs & LCs versus other key actors on decision-making but also other key aspects of governance (e.g., access to information, benefit sharing). There is often some reluctance to talk of power in the context of conservation (as there was until relatively recently in the development sector[45]), but for the closely related issue of the balance of authority, there is, in fact, already a term in the context of area-based conservation – "governance type". IUCN and CBD guidance defines four governance types:

- *Governance by government*: authority is totally or largely with government agencies.
- *Private governance*: authority is totally or largely with private actors and/or non-governmental organisations with long term contracts to manage protected areas.
- *Shared governance*: any combination of the other types
- *Community governance*: authority is totally or largely with organisations and networks of IPs & LCs.

Although these are presented as discrete governance types, guidance on the concept of governance type presents these as elements of a continuum[8]. Figure 2 shows the power relationship between government agencies and local rights-holders and stakeholders which we can assume to be IPs & LCs in this example.

Figure 2: governance type continuum (adapted from Borrini-Feyerabend at al., 2013)[8]

Within each of the four main governance types there are variants that differ in terms of the level of influence of IPs & LCs, and several groups of researchers and conservation practitioners are currently exploring options to unpack the four main governance types into sub-types defined by the level of IP & LC influence.[16]

It is not as simple as saying that the more authority/influence that IPs & LCs have, the better. In some societies with good environmental governance at national level, and public buy-in for existing conservation approaches, many members of local communities may not feel the need to have direct influence in the governance of a neighbouring protected area. In other words, taking an empirical

approach to equity, the existing balance of power is considered equitable. With this understanding, this key issue of power balance is framed as “equitable balance of power”, “equitable balance of authority/influence” or just “equitable governance type” and being an enabling condition it can advance equity in all of the three dimensions of equity. Conversely, a power asymmetry that marginalises/excludes IPs & LCs will be a barrier to any meaningful progress in advancing equity. The same CBD decision on protected areas of 2018 that included the guidance on equitable governance also included guidance on the diversification of PCA governance type within national systems to increase the proportion of PCAs having community governance and shared governance with strong IP & LC engagement.

Governance type is about the balance of power/authority/influence between the main groups of actors at a site, in particular government agencies, IPs & LCs and private sector actors. It does not explore power asymmetries within specific actor groups, e.g., marginalisation of a certain ethnic group within IPs & LCs. This is addressed as an issue of governance quality under the recognition principle of mutual respect between actors – for example the SAGE tool has a question on discrimination against any particular social groups).

Future social risks and social safeguards

Efforts to advance equity and rights in area-based conservation have tended to focus on addressing forms of inequity/injustices past and present. Over the last 10 years in conservation, and 15 years in climate change mitigation programming, we have seen growing attention to prevention, or at least effective mitigation, of negative social impacts that may occur in the future – future risks – using “social safeguards”. Advancing equity and rights in conservation is about addressing future risks – many of which can be predicted from past experience – as well as addressing inequity in the past and present. The existing equitable governance guidance is silent on this.

A social safeguards system is designed to anticipate these risks and, if judged to be medium to high significance, then plan and implement actions to mitigate the risk. In a social context there are three different approaches to mitigation: measures to avoid the risk, measures to reduce the impact of the risk if/when it

Figure 3: Main categories of World Bank Environmental and Social Standards

occurs, and measures to restore the well-being of people who have been negatively impacted where impact avoidance/reduction is not fully effective.

A social safeguards system has three elements:

1. Social safeguards expressed in broad terms as policies and often in more detail as a standard that typically comprises principles, criteria, and indicators.
2. Management arrangements and procedures and processes to implement the system.
3. An information system to monitor compliance, i.e., implementation of mitigation actions and their effectiveness. The most widely used in the environmental and development sectors is the social safeguards system of the World Bank which comprises ten environmental and social standards, known as ESS1-ESS10. See figure 3, and for more detail on each see World Bank Environmental and Social Framework.

The World Bank social standards that are usually most relevant to conservation are:

- ESS2 – working conditions of people engaged in conservation actions
- ESS4 – impact of human wildlife conflict, and new infrastructure. Includes human rights to life, health, and adequate standard of living, and freedom from cruel and degrading treatment.
- ESS5 – loss of access to land/water and/or associated resources and avoidance of evictions.
- ESS7 – avoiding negative impacts on IPs, enhancing respect for IPs and their knowledge, values and institutions, and free prior and informed consent.
- ESS10 – participation in decision-making during design and implementation, access to information, grievance mechanisms. ESS10 illustrates the point that safeguards are not just about avoiding negative impacts. They also aim to promote better practice.

All major public sector donors now have social safeguards similar to those of the World Bank. Before they fund a new project they will require that an Environment and Social Impact Assessment (ESIA) be conducted to identify significant risks and develop mitigation plans for each of these.

A major weakness of social safeguards is that some key risks may be overlooked, especially where the ESIA is done by external consultants, and/or the proposed mitigation actions may prove to be ineffective – for example because of issues of contextual inequity, e.g., marginalisation of key social groups that conservation actions have not taken into account and/or are unable to address.

Social safeguards can be a powerful tool for predicting and avoiding inequity/injustice in conservation. Increasingly, in the form of performance standards, they are also designed to improve the environmental, social and governance (ESG) outcomes, for example the IUCN Green List standard for protected and conserved areas. The lack of any mention of social safeguards in the existing guidance on equitable governance is a key gap that must now be addressed in the update.

Linkages to other GBF elements

Target 22 of the GBF promotes equitable participation in decision-making, access to information and justice, and protection of environmental defenders, as well as committing to respecting rights over lands, territories and resources. Target 23 promotes gender equality and a gender responsive approach to biodiversity conservation action – meaning proactively addressing barriers to gender equality. These are

cross- cutting issues that apply to all GBF targets including Target 3 on area-based conservation. Participation in decision-making, access to information and justice are core issues of procedural equity and thus equitable governance, and though not covered in the monitoring framework for T3 could be covered by indicators under T22.

Gender equality (target 23) is also an aspect of equitable governance and rights but as a cross-cutting issue that applies to all targets could be overlooked in guidance on Target 3 leading to the conclusion that area-based conservation is gender blind (as it often has been to date). The updated guidance needs to make clear what it means for area-based conservation to be gender responsive.

Target 22
Ensure the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, and access to justice and information related to biodiversity by indigenous peoples and local communities, respecting their cultures and their rights over lands, territories, resources, and traditional knowledge, as well as by women and girls, children and youth, and persons with disabilities and ensure the full protection of environmental human rights defenders.

Target 23
Ensure gender equality in the implementation of the framework through a gender-responsive approach where all women and girls have equal opportunity and capacity to contribute to the three objectives of the Convention, including by recognizing their equal rights and access to land and natural resources and their full, equitable, meaningful and informed participation and leadership at all levels of action, engagement, policy and decision-making related to biodiversity.

In addition to applying a human-rights based approach to area-based conservation, some other elements of section C of the GBF – considerations for implementation of the GBF – are also very relevant to advancing equitable governance in area-based conservation, notably:

a) ***Contribution and rights of indigenous peoples and local communities:*** *…….the Framework's implementation must ensure that the rights, knowledge, including traditional knowledge associated with biodiversity, innovations, worldviews, values and practices of indigenous peoples and local communities are respected, and documented and preserved with their free, prior and informed consent* (recognition)*, including through their full and effective participation in decision-making* (procedural equity).
b) ***Different value systems****: Nature embodies different concepts for different people, including biodiversity, ecosystems, Mother Earth, and systems of life. Nature's contributions to people also embody different concepts, such as ecosystem goods and services and nature's gifts. Both nature and nature's contributions to people are vital for human existence and good quality of life, including human well-being, living in harmony with nature, and living well in balance and harmony with Mother Earth. The Framework recognizes and considers these diverse value systems and concepts, including, for those countries that recognize them, rights of nature and rights of Mother Earth, as being an integral part of its successful implementation*; (recognition).

Advancing equitable governance will contribute to aligning the approach to area-based conservation with these key considerations, and to the extent that individual countries support these commitments they will serve enabling conditions at national level.

Monitoring progress on the equitable governance element of Target 3

There was no formal monitoring framework that was approved by CBD parties for Aichi Target 11 as there will be for the GBF. Progress on the equitable management element of Aichi target 11 was examined by the CBD Secretariat using data on protected area governance type in the World Database on Protected Areas (Sarat Babu-Gidda, pers comm.), with the assumption that any shift in percentage coverage from governance by government to shared governance or community governance would indicate progress. This approach has been retained in the monitoring framework for GBF Target 3 where the headline indicator for area-based conservation coverage will be disaggregated by governance type.[46] But to address the weaknesses of this approach seen with Aichi Target 11, the reporting of governance type will need to be much improved both in terms of the proportion of sites for which this information is provided and the accuracy of reporting. To this end, substantial investment in capacity building will be required.

At the present time the only other indicator for the equitable governance element of Target 3 is the number of protected areas (and OECMs) that have completed a Site-level Assessment of Governance and Equity (e.g., SAGE), the assumption being that sites that have used a tool to improve governance and equity are likely to have more equitable governance, all other things being equal. Clearly indicators of the equity of area-based conservation governance (e.g., more effective participation of women in decision-making) would be much better but at present there is no practical way to collect such data.

Although this is currently the extent of monitoring of equitable governance under GBF Target 3, a number of key issues of equity in recognition and procedure are covered by the headline indicators for Target 22 and 23, including rights to participation in decision-making, access to information, IPs & LCs' rights to lands, territories and resources and human rights of environmental defenders, where relevant disaggregated for indigenous peoples and local communities, women and girls, children and youth, and persons with disabilities. It is not yet clear how, or even if at all, any of this data could be unpacked for reporting in the more specific context of area-based conservation. That said there is potential to do this with two of the component indicators for Target 22 using site-level governance assessment tools such as SAGE, and in this way collect data on equity in recognition (respect for rights) and equity in procedure (participation in decision-making) that could be reported under Target 3 as well as Target 22 and 23.

- Participation in decision-making of IPs & LCs in implementation of the Convention at all levels (focused on establishment and management of PAs and OECMs). Disaggregated by gender.
- Proportion of total adult population (with claims to land within PAs/OECMs) with secure tenure rights to (this) land, (a) with legally recognized documentation, and (b) who perceive their rights to (this) land as secure, by sex and type of tenure. Disaggregated by gender.

These cross-cutting elements of the Framework highlighted in Targets 22 and 23 will require data to be gathered from a variety of sources. In relation to the expansion of conservation under Target 3, data collected and provided by IPs and LCs will be crucial to reflecting real progress. The same need to enable and support third-party data provision is equally true for assessment of governance type and quality.

An updated framework for advancing equitable governance in area-based conservation

The framework in figure 4 should be regarded as work in progress. Differences between this diagram and the existing guidance (see figure 1) are as follows:

- Recognition – no change.
- Distribution – addition of "among different actors" to the description.
- Procedure – addition to the description of "access to information and justice", which are key elements of GBF Target 22 to make it clear that Target 22 is relevant to Target 3, and addition of "accountability" which does not appear anywhere in the GBF but is clearly a key issue.
- Enabling conditions – addition of a description and list of common enabling conditions – see figure 4.

Conclusion

Advancing equity and rights in area-based conservation can be delivered at least in part by advancing equitable governance. Based on the concept of environmental justice developed in the 1980s to combat environmental injustice, three dimensions of equity in area-based conservation have been defined – recognition (including respect for rights), procedure and distribution and this framing of equitable governance was endorsed by CBD parties at COP14 in 2018.

The moral argument for giving greater attention to equity and rights in area-based conservation has long been advocated and is now widely accepted in principle and reflected in safeguard policies, though with some protected areas there remains a substantial "implementation gap" between policy and practice, and thus much room for improvement. More recently there is growing evidence that targeted investment in advancing equitable governance and thereby equity and rights can deliver better conservation as well as social outcomes. Conversely, there is plenty of evidence that broad-brush, blue-print approaches to improving governance of area-based conservation often fail to meet expectations and may, in reality, deliver little if any conservation impact. In other words, for real progress on the equitable governance element of Target 3 there is no standard set of interventions that will be more or less optimal across a protected area system in a given country. But as conservation practitioners in a country gain more experience in, and enthusiasm for, advancing equitable governance, and with a strong emphasis on learning, patterns should emerge that allow for economies of scale.

We identify a number of gaps in the existing CBD-endorsed guidance on equitable governance that need to be addressed in the proposed update of the guidance on equitable governance of PCAs endorsed by CBD Parties at COP14 in December 2018, and in other guidance for implementation of Target 3 and advancing equity and rights more generally. Notably, these gaps relate to a human rights-based approach, enabling conditions, social safeguards and monitoring progress in advancing equitable governance. e argue that policymakers and practitioners need to give much more attention to enabling conditions for advancing equitable governance both because some present opportunities to improve conservation and social outcomes, and because blindness to certain enabling conditions and associated barriers such as power asymmetries are part of the reason for many failures over the last 30 years.

With the addition of these and other enabling conditions for advancing equitable governance, we also now have a framework that explains the linkage between equitable governance and respect for rights in Target 3, between Targets 3, 22 and 23, and the contribution of human rights-based approaches. Furthermore, the framework explains the relevance of PCA governance type (balance of power/authority/influence), and why in some (but not all) contexts advancing equitable governance may well require a change governance type.

The updated guidance on advancing equitable governance in area-based conservation will include suggested actions for multiple actors – including government, donors of all kinds, NGOs, and organisations and networks of IPs & LCs – based on a road map for advancing equity and rights in the implementation of GBF Target 3 that was developed at the global workshop in Nanyuki, Kenya in January 2024.[47] While the aim that all systems of PCAs will be equitably governed by 2030 may not be achievable, this paper argues that area-based conservation can now do a great deal better in terms of equity and rights than in previous decades and aims to provide the stronger foundation that will be needed to do so.

Photo: This paper originated as a background document for a global level workshop: "*Advancing Rights and Equity in the Implementation of GBF Target 3*", held in Nanyuki Kenya, January 2024. © Brent Mitchell.

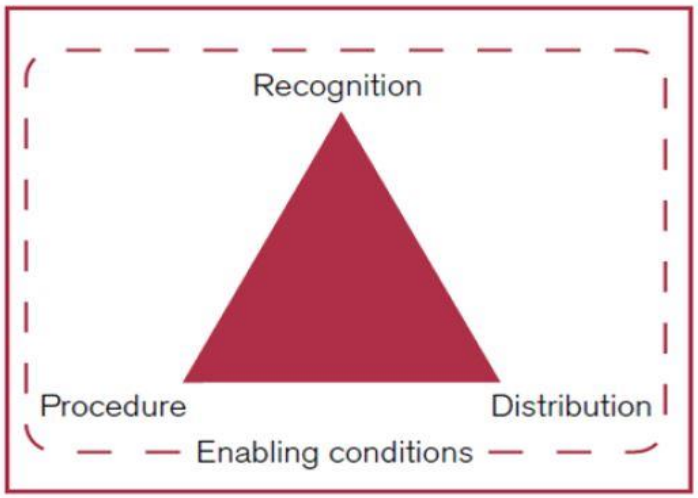
Figure 4: Equity dimensions and enabling conditions for advancing equitable governance in area-based conservation.

Recognition

Recognition and respect for all actors and their rights, identities, knowledge, values, and institutions

Procedure

Inclusive rule and decision-making, access to information and justice, including grievance redress, and accountability.



Distribution

Equitable distribution of costs/burdens and benefits among relevant actors

Enabling conditions

Social, political, and economic conditions that enable efforts to advance recognition, procedural and distributional equity in area-based conservation.

1. Policy that promotes more equitable governance in practice.
2. Equitable balance of power between actors including IPs & LCs and other actors
3. Alignment of statutory and customary laws and norms
4. Commitment to a human rights-based approach
5. Recognition of IPs and LCs in national legislation
6. Absence of extreme poverty
7. Socio-economic equality
8. Rule of law

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[46] CBD/SBSTTA/26/INF/15-page 70
[47] www.iied.org/advancing-rights-equity-workshop

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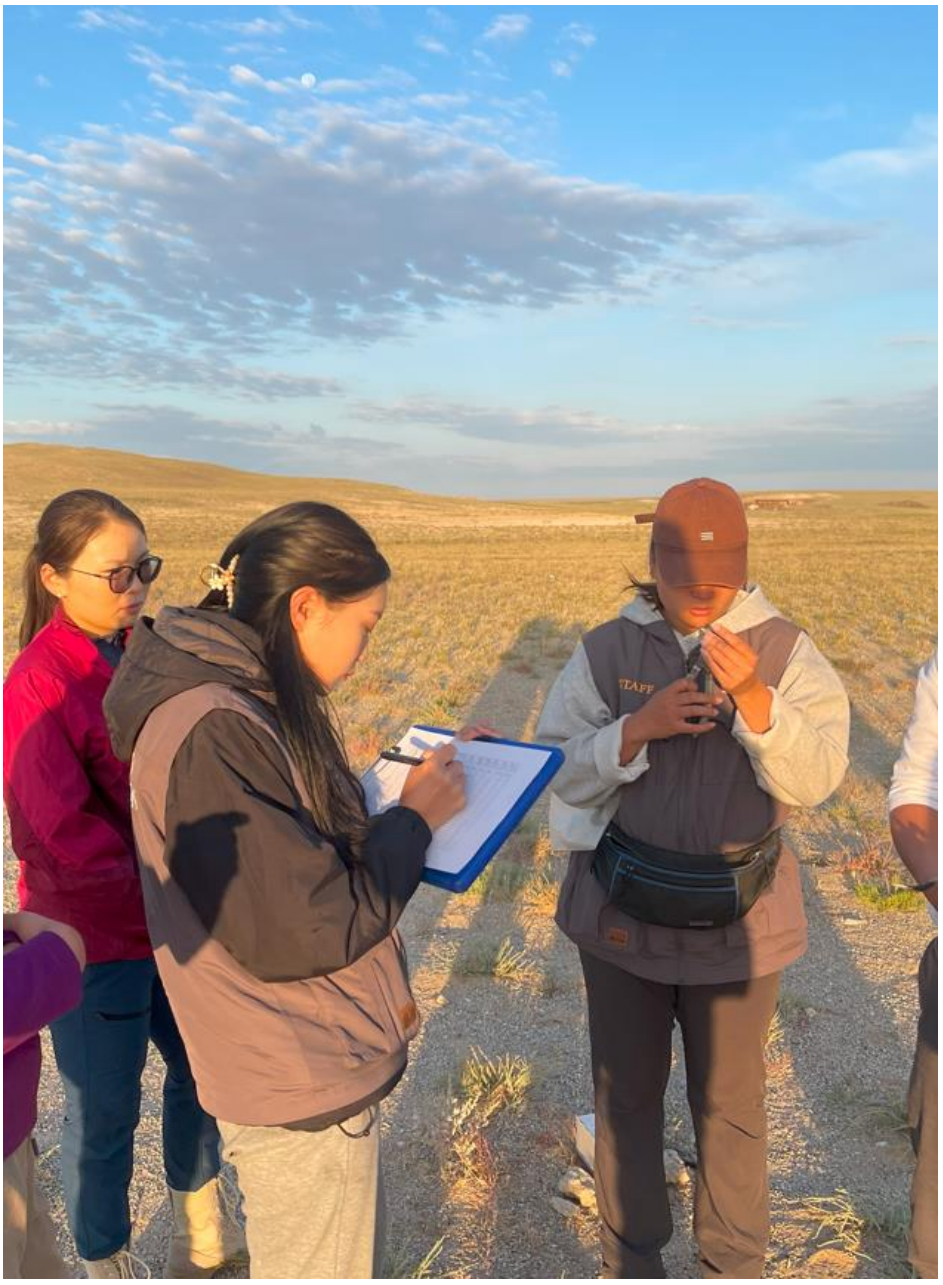
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