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# Governance Assessment Framework for Terrestrial Protected Areas

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**GOVERNANCE ASSESSMENT FRAMEWORK**

**FOR**

**TERRESTRIAL PROTECTED AREAS**

**Michael Lockwood**  
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**APRIL 2009**

**Attachment 2**  
**Report to Land and Water Australia as part of the**  
**Final Milestone for the Project**  
*Pathways to good practice in Australian NRM governance*

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## Comments

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# 1. Introduction

A protected area is:

a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values (Dudley 2008, p. 8).

Under this definition, six categories (one of which has two sub-categories) of protected area are recognised: Ia Strict Nature Reserve, Ib Wilderness Area, II National Park, III Natural Monument, IV Habitat/Species Management Area, V Protected Landscape/Seascape, and VI Protected Area with Sustainable Use of Natural Resources (Dudley 2008).

A wide range of governance approaches can apply to each category. Protected area governance concerns the structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken, and how stakeholders have their say (Graham *et al.* 2003). In this report, I indicate how contemporary trends in protected area governance lead to a need for evaluating governance quality, and offer a method for undertaking such an assessment. I then illustrate this approach using a case study of a protected area in France. To provide a platform for the assessment, I first consider important characteristics and drivers of contemporary protected area governance.

## ***Contemporary protected area governance***

Over the past few decades, the previously dominant state-based ‘top-down’ model of protected area governance has been augmented, and in some cases replaced, by decentralised forms of collaborative management, partnership arrangements, delegated authority and community management. Powers and responsibilities related to protected areas, while still substantially vested in governments and their agencies, have also been taken up by Indigenous and local communities, non-government organisations (NGOs) and individual landholders, often working in partnership with each other. While non-state protected areas are not new – Indigenous communities in particular have for millennia instituted protective governance over special places (Gokhale *et al.* 1997, Ramakrishnan *et al.* 1998) – civil, private and collaborative forms of governance have recently become much more prominent and influential (Borrini-Feyerabend *et al.* 2006).

Internationally, a series of conferences and initiatives helped shape a new direction for conservation governance. A major driver of protected area thinking has been the World Parks Congresses organised by the International Union for Conservation of Nature (IUCN), which have helped to evolve several key strategies and philosophies of protected area management (Whitehouse 1992). Governance first became a major focus for the international protected area agenda at the World Parks Congress, held in 2003 in Durban, South Africa, and has subsequently been an important theme at international meetings such as the IUCN World Conservation Congresses in Bangkok (2004) and Barcelona (2008). Explicit recognition of four broad governance types – governance by government, shared governance, private governance and governance by Indigenous peoples and local communities – has recently been incorporated into revised guidelines for applying protected area management categories (Dudley 2008). One of the four themes in the *Convention on Biological Diversity Programme*

of *Work on Protected Areas*, which was adopted in 2004 at the 7<sup>th</sup> Conference of the Parties in Kuala Lumpur, is ‘Governance, participation, equity and benefit sharing’.

This upsurge of interest and attention reflects the coming together of diverse political, social and environmental influences. First, demands for observance of local and Indigenous rights have gained political momentum through the widespread recognition that, in many parts of the world, protected area establishment and management has caused displacement and disadvantage (Ghimire & Pimbert 1997, Brechin *et al.* 2002, Phillips 2003). In Latin America and Sub-Saharan Africa, for example, over 85 per cent of all protected area establishments were associated with state expropriation of customary tribal lands, dismantling of villages and exiling communities (Hess 2001).

Second, attempts to translate the top-down model to developing countries frequently resulted in governance failures of state-based systems, to the detriment of both local communities and conservation outcomes (Anderson & James 2001). Ineffective management, inadequate allocation of resources and incursions from local communities including poaching and sabotage have meant that many ‘protected areas’ were not achieving their objectives (Stevens 1997, Brechin *et al.* 2002, Cumming 2004). Community-based approaches to environmental management are seen as a response to the practical (continued declines in biodiversity and productivity) and moral (inattention to social justice) failures of centralised state-based governance (McCarthy 2007).

Third, with increasing standards of education and enhanced communication and mobility, an informed citizenry has pressed for a greater say in decisions that affect their lives, including designation and management of protected areas (Lockwood & Kothari 2006). In many countries government protected area agencies have, while retaining ultimate authority, opened their decision-making processes to wide stakeholder input. Major NGOs such as Conservation International, The Nature Conservancy and World Wide Fund for Nature have shown a commitment to involve local and Indigenous communities in their initiatives and to act in partnership with many government and non-government organisations.

Fourth, many governments around the world have, for the past 30 years, pursued a neo-liberal agenda that, amongst other things, has involved devolution of responsibilities from government agencies to individuals and communities, fostering individuals’ entrepreneurial capacities, and the favouring of market-based instruments as a ‘first-choice’ policy option (Dean 1999, Peck & Tickell 2002). This policy environment has been conducive to the emergence of more powerful and significant NGO, private and community-based environmental actors. At the same time, while governments withdraw services, they maintain control by ‘governing at a distance’ - directing conduct by making funding and other forms of support conditional on satisfying government objectives, accountability mechanisms and performance standards (Dean 1999, Lockie *et al.* 2006).

Finally, it is now recognised that many protected area problems require a landscape-scale response, so that governance, by addressing the wider connectivity of protected lands and seas, must consider issues that cross the boundaries of protected areas into the surrounding matrix of forestry, agricultural, fishery, urban and other uses (Worboys *et al.* 2009).

Territorially-based state actors no longer function in isolation, as policy responses are increasingly enmeshed in complex transboundary arrangements and networks of state, sub-state, non-state and civil society organisations.

Under these influences, power has been distributed across multiple centres, with previously centralised functions increasingly devolved to ‘lower’ governance levels. Decision-making and implementation processes are undertaken with a mix of voluntary, cooperative and contractual tools that, in many cases, overlay previously established rule-based command-and-control measures such as threatened species legislation. Furthermore, Eagles (2008) usefully distinguishes between three components of a governance regime – ownership rights over lands and resources; sources of finance; and management authority – and shows how various combinations of actors across these components generates additional layers of governance diversity and opportunity.

### ***Purpose and methods***

The dynamic, complex and polycentric nature of contemporary protected area governance raises pressing issues of appropriateness, design, quality and effectiveness. Establishing and maintaining good governance across diverse ownership and responsibility arrangements is critical for the future of protected areas. Good governance is a prerequisite for effective management, and is fundamental to securing the political and community support essential to the development, indeed the survival, of the global protected area system. The *Convention on Biological Diversity Programme of Work on Protected Areas*, calls for the development of appropriate methods for evaluating the effectiveness of protected area governance, taking into account the IUCN-WCPA<sup>1</sup> management effectiveness framework (Hockings *et al.* 2006). At present there is no widely accepted method that identifies the requirements of a good governance regime for protected areas, provides a means to measure performance, and identifies aspects that need to be targeted for improvement.

This report offers an assessment framework based on principles for good quality governance (Section 2), and uses a case study to illustrate how this framework can be applied (Sections 3 to 6). The assessment is intended to stimulate reflexive and continual improvement in governance as well as providing for performance accountability.

The assessment framework and principles have their origins in work on Australian natural resource management (NRM) governance. NRM governance principles were developed through an iterative process that employed several methods. An expert panel was convened and asked to work using the Delphi method (Linstone & Turoff 1975). In the first of three rounds, panel members were provided with background information on the purpose of the research, given a synopsis of pertinent governance literature, and asked to suggest principles to guide NRM governance. The governance principles arising from the first panel round were summarised by the researchers and sent back to the panel for further consideration.

A resulting draft set of principles was then considered by the *Pathways* research team alongside examples of existing usage of governance principles across a diverse range of public contexts, including Ostrom (1990), UNDP (1997), Abrams *et al.* (2003), Graham *et al.* (2003), Kaufmann *et al.* (2003), TICGG (2004) and MSRM (2004).

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<sup>1</sup>The International Union for Conservation of Nature (IUCN) brings together governments, their agencies and a diversity of NGOs, and seeks to influence, encourage and assist societies to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable. The World Commission on Protected Areas (WCPA) is one of the six commissions of IUCN.



By integrating these sources, further adjustments were made to the principles, and a new draft set was then tested in the course of two series of interviews with personnel from Australian NRM governance authorities across three scales: nine NRM governing bodies operating at a sub-national level; three authorities from the Australian states of New South Wales, Victoria and Tasmania; as well as the Australian Government NRM Team. Eight principles emerged from this process – legitimacy, transparency, accountability, inclusiveness, fairness, integration, capability and adaptability – and are presented in Lockwood *et al.* (2009). The principles were then used to construct a governance standard for NRM (Lockwood *et al.* 2008).

I then redrafted the NRM principles and standard to suit a protected area context, and these modified versions were used in an exploratory series of interviews held with protected area decision-makers and advisors in:

- Scotland, with particular reference to Cairngorms National Park
- a private reserve network in Spain governed by Foundation Territori i Paisatge
- Parc National des Pyrénées in France
- French Parcs Naturels Régionaux, with particular reference to Parc Naturel Régional du Haut-Languedoc
- a forest reserve in India which has characteristics of both a community conserved area and a state agency – community partnership.

These interviews and consideration of the characteristics of contemporary protected area governance (Section 1) resulted in adjustments to the specification of the governance principles and the structure and content of an assessment framework (Section 2). The interviews, in conjunction with supporting documentary evidence, also enabled an example assessment to be conducted (Section 3). The rating system used to interpret judgements about the quality of governance performance is described on page 14.

## 2. Framework for governance quality and effectiveness

Effective governance can be understood as a combination of governance *quality* and institutional *capacity* (Figure 1). Governance quality denotes the normative dimension of the framework, in that it comprises claims, conceptualised as *principles*, about how governance should be conducted – that is, what constitutes ‘good governance’.

The six elements at the base of Figure 1 – context, planning, inputs, processes, outputs, outcomes – are at the core of the widely supported and adopted framework for assessing management effectiveness of protected areas and protected area systems (Hockings *et al.* 2006). Thus Figure 1 shows the relationship between management and governance effectiveness, with linkages provided through the common elements of institutional capacity – inputs and processes – as well as the influence context and planning have on governance, and the essential role governance plays in enabling management outputs and outcomes.

Institutional capacity is constituted by available resources – human, financial, infrastructure, knowledge – and by the processes that enable governance to be exercised and management to be implemented – these include administration, planning, delivery and engagement systems. Institutional capacity is an aspect of both governance and management effectiveness. Resources (inputs) and processes are important management elements, and are also instrumental in supporting effective governance.

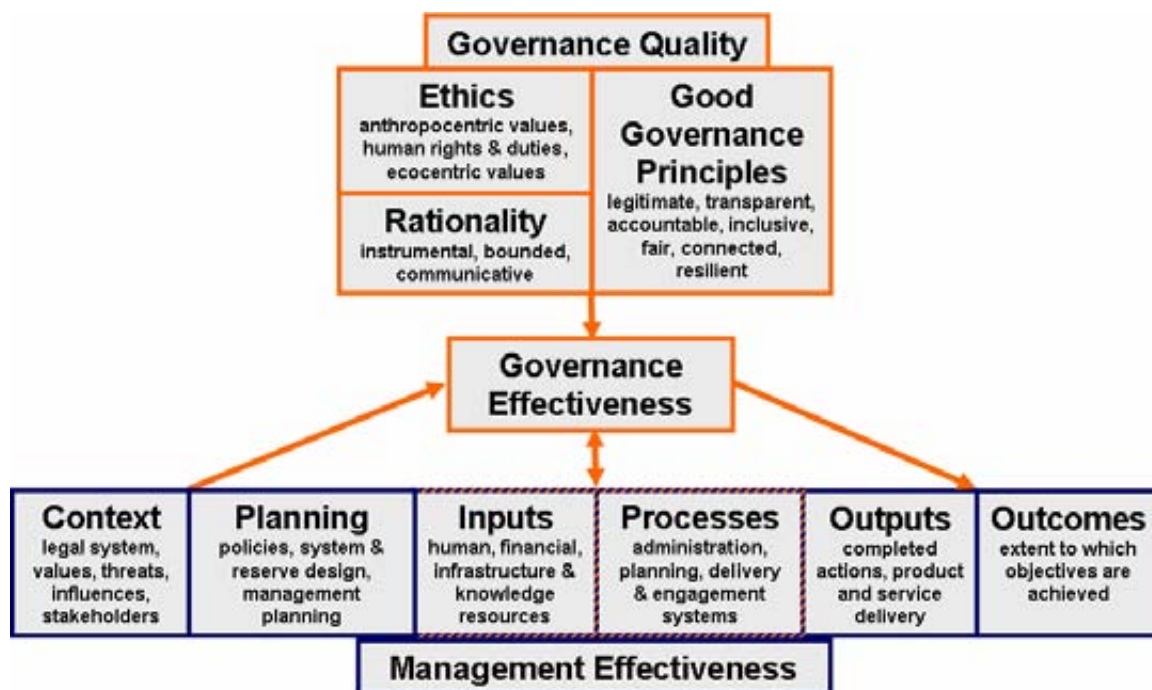


Figure 1. Assessment framework for governance effectiveness (including elements of the Hockings *et al.* (2006) management effectiveness framework)

While the distinction between governance and management is somewhat blurred, the former concerns the powers, authorities and responsibilities exercised by organisations and individuals; whereas the latter concerns the processes, plans and actions that are a product of applied governance. Protected area management cannot happen without some form of governance. Even the independent actions of a land owner on their own property, or of a local community on a property held in common, require claims regarding tenure and rights of intervention, which are matters of governance. Effective governance is a prerequisite for effective management (UNEP 2002), and in particular for the generation of outputs and achievement of outcomes.

As the assessment of management effectiveness, including inputs and processes, is well established, this report concentrates on the quality dimension of governance effectiveness. Accordingly, the principles and assessment template in this Section complement the assessment procedures for management effectiveness outlined in Hockings *et al.* (2006).

Governance quality is a product of ethically and rationally sound processes and actions. Ethics and rationality thus provide twin bases to support the identification of governance principles. Ethics are central to normative governance as they underpin what is necessary and acceptable with respect to core values, rights and responsibilities. Rationality directs governance design by giving normative weight to processes that provide logical connection between means and ends; identify forms of knowledge and how they should be applied; and establish conditions for quality communication.

## ***Principles***

Principles of good protected area governance can serve to ‘normalise’ governance by specifying what is desirable, both ethically and rationally, and by providing a means to identify and remedy undesirable practices. These considerations, and the methods described in Section 1, were used to develop the following seven principles for good protected area governance.

### *Principle 1. Legitimacy*

Legitimacy is ‘the acceptance and justification of shared rule by a community ... the question of legitimacy concerns who is entitled to make rules and how authority itself is generated’ (Bernstein 2005, p. 142-3). Legitimacy is therefore a key factor in the ethical acceptability of governance arrangements. With respect to protected areas, legitimacy encompasses:

- the validity of an organisation’s authority to govern that may be:
  - conferred by law or democratic mandate
  - earned through the acceptance of stakeholders
  - earned through long association with a particular place
- the extent to which the governing body’s decisions and actions are consistent with its mandate and the objectives of the protected areas for which it is responsible
- the integrity and commitment with which authority is exercised.

In liberal democratic systems, governments are typically legitimised through democratic processes, and their decisions given weight by legislation and other forms of regulation and policy (Boedeltje & Cornips 2004). Central to democratic states are ‘free and fair’ elections in

which citizens vote for politicians to represent their interests. Local governments and statutory authorities may have democratic authority indirectly conferred on them through legislation enacted by higher tiers of government, and may also be authorised through their own local electoral processes. Government agencies are legitimised through the democratic authority vested in governments to pass enabling legislation and the powers of government ministers to authorise decisions and actions and delegate responsibilities to agency officials. Private land and resource rights owners are typically legitimised through having their entitlements recognised under national or sub-national laws. While having a basis in common law, in many jurisdictions these rights are also supported by legislation.

Governance bodies may also acquire legitimacy through their efforts at leadership, through effectiveness at producing outcomes or by generating consensus around a vision (Newman *et al.* 2004); this may be termed earned or output legitimacy (Boedeltje & Cornips 2004). For governments, their agencies and statutory authorities, earned legitimacy is an important complement to the legitimacy conferred through representative democratic processes (elections). Elections generally only give a broad mandate to governments, whereas an organisation can also earn legitimacy for more specific responsibilities and actions by gaining approval directly from the people affected. Wide support engendered through participatory democracy appreciably strengthens an organisation's legitimacy. Earned legitimacy, based on 'bottom-up' participatory processes is often a strength of community-based and Indigenous governance authorities.

Many Indigenous and local communities also earn governance legitimacy through their long-standing connection to particular places, which may have become, or may in the future become, designated as protected areas. Human society has, through interaction with nature, forged identity, tradition, lifestyle and spirituality. For some local and Indigenous communities, protected areas are closely associated with deeply held historical, national, ethical, religious, and spiritual values. Those communities that can demonstrate such strong sense of place for particular lands have a moral claim to governance legitimacy – a claim supported by the *Declaration on the Rights of Indigenous People*.

NGOs can establish legitimacy in relation to their protected area activities in three ways. First, they can become land owners and so have their interest legitimised through private property law. Second, they can enter into partnerships with other organisations that do have conferred or earned legitimacy, and assist them in achieving their protected area objectives. Third, they can attempt to earn legitimacy in their own right by engaging with and securing the support of a constituency. This gives some participative democratic weight to their protected area program, although the support-base is often limited to a particular community of interest, such as 'conservationists'. Governance difficulties arise when the NGO program is in conflict with legitimate communities of place, such as a local community.

Instrumental rationality requires that a governing body's decisions and actions are legitimate only if they are first, in accordance with their conferred or earned powers, and second, consistent with agreed (legitimate) definition and objectives pertaining to the protected area or areas over which they have some governance role. The powers and mandate of a governing body may be specified, for example, in legislation, a constitution, a charter or customary law. The designation of a particular area of land, and the associated assignment to a particular IUCN category or categories, if done through the authority of a legitimate governing body, also circumscribe the scope of legitimate action of any governance authority with a role in

relation to that protected area. Failure to act in this manner consistent with the purpose of the designation and the objectives of the relevant IUCN category or categories undermines legitimacy.

Legitimacy also requires that governing actors exercise their authority with integrity, in that they declare any conflicts of interest, do not seek to manipulate outcomes to their personal advantage, and behave honestly. These integrity conditions provide a platform for governance legitimacy that is consistent with key elements of communicative rationality. Individual governing actors also have a responsibility to demonstrate commitment, through their decisions and actions, to the purpose and objectives of the protected area(s) over which they have some authority. Failure to actively pursue protected area objectives is a dereliction of duty that undermines legitimacy.

### *Principle 2. Transparency*

Transparency refers to the:

- visibility of decision-making processes
- clarity with which the reasoning behind decisions is communicated
- ready availability of relevant information about a governance authority's performance.

Transparency is a requirement, grounded in ethics, of stakeholders' rights to know about matters that affect them. In general, all decisions about protected areas should be accessible to stakeholders. Transparency is required in who has made a decision, the means by which it has been reached, and its justification. For example, was the decision made according to the authority conferred on or delegated to an individual or body; according to procedures such as majority-rule voting or consensus; on the basis of expert opinion, professional judgment, or through using formal decision aids such as multi-criteria analysis or benefit cost analysis? Governance authorities should also provide information to stakeholders that allows them to understand the reasons why a particular decision was made, and why a particular course of action was chosen.

Performance reporting is an essential element of transparency. Governance authorities should regularly reveal their progress through mechanisms such as annual reports, reports of achievements against management plan objectives, governance and management effectiveness evaluations, and 'state-of-the-parks' reports. Such information also provides a basis for accountability (Principle 3). For transparency, it is enough that a governing body communicates their performance to stakeholders. Accountability imposes an additional requirement that the governing body is in some way answerable to stakeholders for its performance.

The form in which information is made available is also important. For it to be accessible, some stakeholders may require information to be made available in particular ways. For example, some stakeholders in predominantly English-speaking countries may require materials to be available in languages other than English; some landholders may attend a field day in preference to reading a publication or accessing the Internet; and some Indigenous peoples may prefer to access information via verbal communication rather than in written form.

### *Principle 3. Accountability*

Accountability concerns the:

- allocation and acceptance of responsibility for decisions and actions
- extent to which a governing body is answerable to its constituency
- extent to which a governing body is answerable to ‘higher-level’ authorities.

Instrumental conditions for effective accountability and good protected area governance are that: first, the roles and responsibilities of governing bodies and their personnel are precisely identified; and second, governing bodies have demonstrated acceptance of these responsibilities, for example through their plans and activities.

Governing bodies should be answerable to their constituencies – that is, those people who are the ultimate source of their legitimacy, either earned or conferred. This is sometimes termed ‘downward’ accountability. The constituency of:

- a government protected area agency is the citizens who have voting rights within that jurisdiction
- a NGO is any supporting membership and those people from whom acceptance has been claimed
- a local or Indigenous community-based organisation or individual is the members of that community
- a partnership between two or more parties is the constituencies of each party.

‘Answerability’ implies that constituents have a right to question, challenge and express approval or disapproval of a governing body’s processes, plans, decisions and actions. In some circumstances, a constituency may also have the power, either directly or indirectly, to sanction a governing body for sub-standard performance. Powers of sanction may be directly available through legal or contractual means, or indirectly through the right, for example, of citizens to vote out of office a government that is responsible for a poorly performing protected area agency.

Governing bodies should also be subject to ‘upward’ accountability. This can be required by law or contract, done directly through reporting mechanisms to a higher-level authority, or indirectly through publicly available reports that specifically address applicable performance matters. At the international level, governing bodies should be obliged to account for their performance, where relevant, against legitimate instruments such as the *Convention on Biological Diversity*, the *Convention Concerning the Protection of the World Cultural and Natural Heritage* and the *Declaration on Human Rights*. At the national and sub-national levels, governing bodies should demonstrate compliance with legitimate laws and legislation, as well as with any democratically-mandated policies. When a governing body has powers devolved to it by a higher-level authority, such as a government, the higher authority has a right to expect the governing body account for its performance and any expenditure of funds made available to it by the higher authority. However, higher authorities should also ensure, as a matter of fairness (Principle 5), that the body to which powers have been devolved has sufficient autonomy to carry out its allotted tasks without undue interference.

#### *Principle 4. Inclusiveness*

Inclusiveness refers to the opportunities available for all stakeholders to participate in and influence decision-making processes and actions. Governance is regarded as inclusive when all those with a stake in governance processes and their outcomes can engage with them on a basis equal to that provided to all other stakeholders. This precept is a consequence of the ethical understanding that each person has an equal right to have a say in matters that affect her or his life. Such an understanding is supported by the *Declaration on Human Rights*, the *International Covenant on Civil and Political Rights*, and the *Declaration on the Rights of Indigenous Peoples*. The latter highlights the particular issues associated with ensuring that rights of Indigenous communities are respected and upheld, as well as a need to avoid, with respect to both Indigenous and local communities; a ‘tyranny of the majority’. At the same time, attention should be paid to the legitimate desire of ‘the urban majority’ in many countries to foreground concerns of ecosystem preservation, based on both ecosystem service provision and the intrinsic value of nature (GlobeScan 2000, Van den Born 2001, Leiserowitz *et al.* 2004, 2005).

Inclusive governance is about governing actors seeking input from multiple sources, having an awareness of and valuing diversity, and having policies and structures to foster stakeholder contributions and engagement. Accommodating and respecting debate, conflict and dissent are essential ingredients in an effective governance response to the ethical (and rational) significance of inclusion. A potential strength of multi-level governance systems is the opportunities they offer governance authorities to match the scale of their engagement strategies to the scope of their respective stakeholders’ interests. If coordinated (Principle 6), such system-wide design can provide for inclusion of local, regional, national and international interests at the levels at which they will be most effective. Better solutions to complex problems and increased innovation are the likely outcomes of incorporating diverse perspectives and ideas into decisions.

As well as providing opportunities for all stakeholders, governing bodies should also make particular efforts to engage with marginalised and disadvantaged stakeholders. Often these people, as a consequence of systemic, historically imposed, or culturally circumscribed opportunities, do not have the capacity to engage with a governance authority on equal footing with other stakeholders. Under these circumstances, good governance requires a governing authority to take active steps to remedy such disadvantage, so that such people have the opportunity to meaningfully participate in protected area processes, decisions and actions.

From a pragmatic, instrumentally-rational perspective, inclusive governance is important as it can clarify diverse interests and values, reduce project failure, enhance public ownership and commitment to solutions, enhance access to many different perspectives and kinds of knowledge, and build capacity to manage competing interests and mediate conflict (Daneke *et al.* 1983, Renn *et al.* 1993, Wondolleck & Yaffee 1994, Pimbert & Pretty 1997).

## *Principle 5. Fairness*

Fairness refers to:

- the respect and attention given to stakeholders' views
- the reciprocal respect between higher and lower level authorities
- consistency and absence of personal bias in decision making
- recognition of human and Indigenous rights
- recognition of the intrinsic value of nature
- the consideration given to the intra- and intergenerational distribution of costs and benefits of decisions.

Those charged with advancing protected area governance are expected to be fair in the exercise of the authority conferred on them, particularly in relation to the distribution of power, the treatment of participants, recognition of diverse values, consideration of current and future generations, and the development of mechanisms to share costs, benefits and responsibilities of decision-making and action.

Treating stakeholders with respect and supporting their dignity is both a moral obligation and rational strategy for gaining wide acceptance and support. Higher level authorities can show respect for lower level authorities by taking their views and needs seriously, establishing genuine partnerships, and granting them an appropriate degree of autonomy. While upward accountability mechanisms are also a component of good governance, these should be constituted so that the lower level authority is not continually 'looking over their shoulder'. At the same time, local and sub-national governance authorities should give due respect to the wider interests represented by national governments and international bodies.

Biased processes and decisions are those in which personal attributes (of the decision maker or subject parties), that have no bearing on the matter at hand, are influential in determining outcomes. Fair procedures should guarantee that like cases are treated alike, and that where they are irrelevant, the race, gender, ethnicity and socio-economic status of a person do not determine decision-making processes or outcomes.

Such considerations are particularly important when protected area authorities have the power to impose sanctions, either on their own personnel for unacceptable behaviour, or on those who offend against park regulations. Natural justice, also known as procedural fairness, requires that a respondent is provided with all of the information required to answer the allegations before them, has opportunity to respond to allegations or decisions affecting her/him, that this response is genuinely considered, has a right of appeal, and the decision maker does not hold, nor is perceived to hold, a vested interest in the outcome of the process.

Fairness entails that a governance authority gives due regard to human, civil and political rights as well as those of Indigenous peoples. Of particular importance, given the history of protected area establishment, is the need to provide effective mechanisms for prevention of, and redress for, any actions that dispossess Indigenous peoples of their lands, territories or resources. However, rights are rarely, if ever, absolute. Conflicts often arise between the human and civil rights of local and Indigenous peoples, and the civil and political rights of non-local people as well as the moral imperative for biodiversity conservation arising from the intrinsic value of nature. Acceptance that species and/or ecosystems can have intrinsic



value makes necessary the development of ecocentric moral principles to guide our interactions with nature (Callicott 1986, Viljka 1997). Fair governance requires that an authority give genuine regard to all rights and moral duties, make every attempt to satisfy all claims, and where this is impossible seek ways to compensate for any disadvantage caused.

Protected area authorities should take account of the distribution of costs and benefits resulting from their decisions and actions. Care should be taken that particular stakeholder groups, individuals or communities are not systematically required to bear the costs of decisions, while others enjoy the associated benefits. This includes avoiding future generations being burdened with the costs of present generations' actions. Good governance also requires a fair sharing of benefits from, for example, protected area tourism. However, due consideration of cost/benefit distribution does not mean that a governance authority should necessarily seek equity of outcomes – in many cases that would be both unrealistic and contrary to core protected area obligations. The test of distributional fairness is whether a governing body has given due and genuine regard to distributional issues, has considered whether compensation is required for any imposition of costs, and is able to give credible justification for any inequalities arising from its decisions and actions.

#### *Principle 6. Connectivity*

Connectivity requires:

- effective coordination within and between levels of governance
- coherence in broad policy intent and direction within and between levels of governance
- allocation of power to those institutional levels that best match the scale of issues and values being addressed.

In recognition of the interconnected nature of sustainability challenges in protected area management, instrumentally rational governance requires functional connectivity across different scales of governance, different policy sectors, and geographic regions – institutional arrangements that can link separate formal and informal institutional processes both vertically and horizontally. Strategic connectivity has been shown to be an important consideration for sustainability in an environment of multi-level governance and for regional sustainable development (Roberts 2000). Such connectivity is important in building shared recognition of interdependencies among protected area issues, and in allowing actors to address shared problems in a concerted fashion.

To ensure consistency in objectives and implementation of policy and management instruments, governing bodies should have generated a long-term vision with short- to medium-term measurable objectives; strategic direction should be vertically consistent with arrangements at other governmental levels; and policy and management instruments should be horizontally consistent across protected area organisations. The design and implementation of policy and management instruments also needs to take account of, and be suited to, the particularities of local conditions.

In multi-level systems, devolved governance should occur such that tasks can be undertaken at the least centralised level with the (potential) capacity to satisfactorily complete them, as well as represent all actors with an interest at this level. Under this subsidiarity 'sub-

principle’, the powers devolved to sub-national and local bodies should be commensurate with their responsibilities and the associated values and issues. However, in devolved systems of protected area governance, there is a risk that responsibilities will be allocated to lower tiers that lack the necessary resources, understanding or influence to mount an effective response. Such concerns highlight the critical need for well-connected governance systems in which local, sub-national, national and international actors possess the mutual respect, trust and cohesion to collectively work through conflicts and difficulties, and thereby properly represent and address the full range of protected area values and concerns.

#### *Principle 7. Resilience and adaptability*

Important elements of resilient governance for protected areas are:

- incorporating new knowledge and learning into decision-making and implementation
- finding the right balance between flexibility and security
- anticipation and management of threats, opportunities and associated risks
- systematic reflection on individual, organisational and system performance.

Resilience refers to the amount of change or disturbance that can be absorbed by a system before it is reconstituted into a different set of processes and structures (Gunderson & Holling 2000). When change occurs, resilience allows a system to either renew itself or undergo reorganisation so that essential components, such as species, or dynamic relationships, such as ecosystem processes, are maintained. Systems with high *adaptivity* are able to re-configure themselves and contend with new and emerging circumstances without foreclosing options or losing essential processes (Berkes *et al.* 2002). This suggests that the resilience of protected areas relies on system-wide flexibility – an institutional ability to adapt forms and processes in response to new understandings about interrelationships, dynamics and trajectories – coupled with formal instruments and mechanisms, such as legal frameworks and durable statements of rights and principles, that provide long-term security of tenure, direction and purpose.

Institutional adaptability demands that a governing body is able to rearrange its internal processes and procedures in response to changing internal or external conditions – that is, is intentional in its management of change. Processes to assimilate new information, procedures to learn from experience, and to examine the reliability of assumptions are required. An organisation that is strategic, anticipatory, forward-looking and innovative in approach is in a better position to read the external environment, reduce unexpectedness and surprises, respond to and cope with change, and adapt to changing community needs. Such an organisation will have procedures to identify, assess, and manage risk, for strategic planning, and for ‘what if’ thinking. Adaptation strategies reduce the risk of adverse outcomes through activities that increase the resilience of systems (Tompkins & Adger 2004). The various uncertainties and positive feedback effects associated with protected area problems mean that institutions and organisations must be capable of adapting to accelerated change in natural systems. This implies that protected area authorities need to shift away from policies that aspire to control change in systems, and move towards those that accept uncertainty, seek to build the capacity of systems to cope with, adapt to, and shape change.

There is a need for systematic approaches to organisational and policy learning through ongoing assessment of performance and processes – that is, self-reflexivity. Rigid governance, planning and management approaches can erode resilience and hasten the breakdown of socio-ecological systems (Berkes *et al.* 2002). Adaptable protected area organisations take seriously the importance of systematic self-reflection on their procedures, processes and performance through such means as monitoring, evaluation and review. They also have processes for making better decisions and changes as a result of review outcomes and for feeding new information back into their plans and targets. Adaptive management goes beyond simple avoidance of error and stresses intentional learning from experience. Kay *et al.* (1999) distinguish between passive and active approaches. Passive adaptive management involves systematic review of management activities, while active adaptive management includes the former but is more deliberate in learning about the managed system. Active adaptivity is an experimental approach to management where policies become hypotheses, management projects become the experiments to test them (Gunderson *et al.* 1995), and where experimentation, embracing complexity, inclusiveness and learning are the defining values (Allan & Curtis 2005).

### **Assessment process**

The above seven principles provide a basis for assessment of protected area governance, and their specification suggests a series of outcomes that need to be met for the demonstration of good governance performance (Table 1). A particular protected area or protected area system can be subject to a summative assessment of the level of attainment against each outcome using accumulated evidence from documents, interviews and surveys. Qualitative judgments based on such evidence can provide an overall indication of current performance against each principle.

I have taken the approach of rating achievement against each outcome on a scale of 1 = very low, 2 = low, 3 = moderate, 4 = high, 5 = very high, NA = not applicable. An average score for each principle is then computed and converted to a qualitative performance descriptor as follows:

- 1.0 to 3.0 = ‘substantial improvement desirable’
- 3.0 to 4.0 = ‘improvement desirable’
- 4.0 to 4.5 = ‘high level of performance with potential for improvements’
- 4.5 to 5.0 = ‘exemplary with opportunities to further advance ‘cutting-edge’ good governance’.

Ideally such judgements would reflect a consensus amongst several independent assessors. In this report, an initial assessment of a case study protected area is given in the next section, based on my own judgements according to the documentary and interview evidence.

**Table 1. Principles and outcomes**

<b>Principle</b>	<b>Outcome</b>
<b>1 Legitimacy</b>	The governing body is conferred with a legal or democratically mandated authority
	Stakeholders freely accept the governing body's authority
	The governing body has a long-standing cultural or spiritual attachment to some or all of the lands within the protected area
	The governing body acts in accordance with its mandate and purpose of the protected area(s)
	Governors act with integrity and commitment
<b>2. Transparency</b>	Governance and decision making is open to scrutiny by stakeholders
	The reasoning behind decisions is evident
	Achievements and failures are evident
	Information is presented in forms appropriate to stakeholders' needs
<b>3. Accountability</b>	The governing body and personnel have clearly defined roles and responsibilities
	The governing body has demonstrated acceptance of its responsibilities
	The governing body is answerable to its constituency ('downward' accountability)
	The governing body is subject to 'upward' accountability
<b>4. Inclusiveness</b>	All stakeholders have appropriate opportunities to participate in the governing body's processes and actions
	The governing body actively seeks to engage marginalised and disadvantaged stakeholders
<b>5. Fairness</b>	Stakeholders, office-bearers and staff are heard and treated with respect
	There is reciprocal respect between governors from higher and lower level authorities
	Decisions are made consistently and without bias
	Indigenous peoples' and human rights are respected
	The intrinsic value of nature is respected
	The distribution (intra- and intergenerational) of the benefits and costs of decisions and actions are identified and taken into account
<b>6. Connectivity</b>	The governing body is effectively connected and coordinated with governing bodies at different levels of governance
	The governing body is effectively connected and coordinated with governing bodies operating at the same governance level
	The governing body's direction and actions are consistent with directions set by higher-level governance authorities
	The levels at which power is exercised (local, sub-national, national, international) match the scale of associated rights, needs, issues and values
<b>7. Resilience and adaptability</b>	The governing body has processes to assimilate new knowledge and learn from experience
	The governing body has the flexibility to rearrange its internal processes and procedures in response to changing internal or external conditions
	Formal instruments or mechanisms provide long-term security tenure and purpose for the protected area(s)
	The governing body uses adaptive planning and management processes
	The governing body has procedures to identify, assess, and manage risk

### 3. Case Study: Parc National des Pyrénées

In this section, I consider the governance of a French protected area: *Parc national des Pyrénées*. As this park has embedded nature reserves and Natura 2000 sites, as well as a world heritage area adjacent to and contiguous with it, these protected area categories are also considered. In order to understand specific governance arrangements that pertain to the park, general features of French governance and environmental law must first be considered. I then describe the specific governance arrangements that pertain to the parks, and undertake an evaluation of these arrangements based on the principles and outcomes given in Section 2.

#### **French government and protected areas**

Governance of *Parcs Nationaux de France* (national parks) is shaped by four levels of French government and administration. France is divided into administrative regions, each of which is further subdivided into departments. The departments are subdivided into arrondissements which are subdivided into cantons, which are subdivided into communes. Many communes are also part of multi-commune groupings. Regions, departments and communes, which as a group are termed *collectivités territoriales*, have elected bodies representing their citizens. Each region has a *conseil régional* (regional council), with councillors elected for six-year terms by the departments, and chaired by a president. Departments are administered by a *conseil général* (general council) which is elected for six year terms, and headed by an executive president. The French Government is represented in each department by a prefect appointed by the French President or Prime Minister. Citizens living within each commune elect a mayor and municipal council.

In July 1960 the French Government passed legislation enabling the creation of national parks. The first parks created under this law were Vanoise (1963), Port-Cros (1963) and the Pyrénées (1967). Each national park is managed by a semi-autonomous public body, funded primarily by government, and overseen by a board of directors. A legislative reform process led to substantial revision of national park governance, and in particular, amendments to the *Code de l'environnement* which, among other things, provides for the creation of national parks by ministerial decree. Law 2006-436 of April 14 2006 amended the *Code* to define how the *zone réglementairement protégée* (core zone) and *zone d'adhésion* (previously termed a *zone périphérique*) are specified in a park charter. A charter is a contract between the relevant communes, departments and regions and is ratified by a decree of the French Government. Communes within the *zone d'adhésion* have an opportunity to chose whether or not they sign up to a charter. If a particular commune chooses not to sign, this municipality will not be part of a park.

For the core zone(s), a charter defines objectives related to protection of a national park's natural and cultural heritage, and specifies the supporting regulatory regime and strategies for meeting the objectives. For the *zone(s) d'adhésion*, a charter defines management directions for sustainable development and protection of natural and cultural values, as well as indicating the implementation strategies. Following approval by the French Government, a charter commits signatory parties to abide by its objectives and directions for a period of 12 years. After this time the charter must be reviewed, and a process of up to three-years duration instituted during which a decision is made as to whether the charter needs to be revised, and if so what forms the revisions will take. During this three-year period, signatories have the opportunity to withdraw from the charter. Fifteen years after adoption of the original

charter, those original signatories wishing to remain part of the park, as well as any new parties, commit to the revised or unchanged charter for another period of 12 years.

Approval of the charter also requires that local urban plans are compatible with the objectives and directions of the national park. When an urban plan is approved prior to a charter and is in some way inconsistent with the chapter, the urban plan must be rendered compatible within a period of three years following approval of the charter. Development or revision of plans concerning natural resource management, including farming, silviculture, water, wildlife and game management, wind-power, transportation, and recreation and tourism, must also take the charter into account. In core zone of a national park, such plans must be compatible or rendered compatible within three years of a charter's approval.

In a core zone and outside any urbanised areas as defined in the decree creating a park, major construction works and developments are prohibited, except under special authorisation. An impact assessment must be undertaken for any proposed works, and where, following consultation with the Scientific Council (see below), significant impacts on natural values are identified, such works cannot be authorised or approved. Within the core zone, regulations may also be developed and imposed with respect to hunting, fishing, commercial activities, water or materials extraction, public access, and aircraft over-flights. Industrial and mining activities are forbidden in the core of a national park. Rights to continue agricultural, pastoral or forestry activities pre-dating the creation of a park may be authorised in a core zone.

Each national park is managed by a public body (park management agency) established under the decree and governed by a *conseil d'administration* (board of directors), who elect a *president* from within their number. The board comprises government and local community representatives, as well as of members chosen for their expertise in matters relevant to management of the park, including nature conservation, cultural heritage management and sustainable use. The number and the method of designation of the members are specified in the decree establishing a park. Presidents of regions and departments or their representatives, mayors of communes and the president of the Scientific Council are members as of right. Local administrative and community members, including those who are members as of right, must make up at least half of the board's membership. A board initiates and guides the implementation of partnerships, works and activities as consistent with the park charter, and presides over the evaluation and review of the charter.

A *director* is appointed by the Minister on recommendation by the board. The director is responsible for implementing the directives of the board, with the support of a parks staff. Under the law, a director is also given a range of police and enforcement powers within the core zone of a park.

The amended *Code* also creates a public body, *Parcs Nationaux de France*, which is placed under the guidance of the minister responsible for the protection of nature. *Parcs Nationaux de France* provides technical and administrative support services to the park management agencies; assists with the coordination of their actions in relation to national and international plans; establishes and oversees protocols for the employment of park staff; facilitates communications between park agencies and between French national parks and other national and international protected area organisations; represents park agencies in national and international fora; assists data gathering; and reports to and advises the minister on matters concerning national parks.

### *Natura 2000 sites*

The Natura 2000 network consists of Special Conservation Zones designated under the *European Habitat Directive* of May 21 1992, and Special Protection Zones designated under the *Birds Directive* of April 2 1979. French Natura 2000 sites are managed according to a plan developed under the authority of the prefect of the department within which each site is located. The plan describes the natural, social and cultural values of the site and identifies management directions and actions, the contacts required to give effect to these actions, and the means by which they will be financed.

### *Nature reserves*

A reserve can be created to protect a significant site, ecosystem, landscape, geological formation or species of flora or fauna. Réserves Naturelle Nationale (RNNs) are areas of national or international significance. Typically a conservation NGO initiates a request and presents an associated scientific study to the Ministry of Environment. After seeking the views of a national scientific committee, the minister instructs the prefect of the department in which the reserve is located to initiate and manage a stakeholder consultation process. If this process shows that the proposed reserve should be established, the ministerial decrees the reserve boundary, regulations and management requirements. RNNs may be managed by a local authority, guided by a consultative committee, without ownership of the land (public or private) needing to be changed.

Réserves Naturelle Regionale (RNRs), which since 2002 have replaced Réserves Naturelle Volontaire (RNVs), are designated by the regions. Within RNNs and RNRs activities that impact on natural values are prohibited, although traditional agricultural and hunting activities and recreational facilities may be permitted. Specific regulations for each reserve are established by order of the departmental prefect. Management authorities for these reserves may be a community organisation, a foundation, or a public agency. This organisation is responsible for developing a management plan in consultation with local stakeholders. An advisory committee for each reserve comprises the prefect of the department where the reserve is located (or a co-ordinating prefect when the site extends on several departments), and stakeholder representatives including nature conservation groups, fishers, hunters, farmers and residents. A scientific advisory committee may also be constituted.

### ***Governance of the Parc National des Pyrénées***

By the authority of the Prime Minister of France, the *Parc National des Pyrénées Occidentals* was established on 23 March 1967 by Decree 67-265. The official name of the Park has now been shortened to *Parc National des Pyrénées*. The Park is managed by an authority also called *Parc National des Pyrénées*. The Park is located in two departments – Pyrénées-Atlantiques and Hautes-Pyrénées. Pyrénées-Atlantiques is within the Aquitaine Region and Hautes-Pyrénées is within the Midi-Pyrénées Region. The Park encompasses 86 communes (30 in Pyrénées-Atlantiques and 56 in Hautes-Pyrénées), located across six major valleys (*Parc National des Pyrénées* 2008a).

The Park is under the ‘guardianship’ of the *Ministère de l'Écologie, de l'Énergie, du Développement durable et de l'Aménagement du territoire* (Minster for Ecology, Energy,

Sustainable Development and Territory Management). The Director of the Park reports to the Minister, and operates under the direction of a 50-member Board which is chaired by the President of the Park. The Director and Park staff implement the laws and regulations as well as the decisions of the Board. The Board establishes the program of management for the Park, approves the Park budget, and directs the Director and her/his staff. The Park Board and Director are accountable for their financial management to the Treasurer of the Hautes-Pyrénées.

The Director is supported by a secretariat; three functional divisions with responsibilities for development and heritage management, natural and cultural heritage information, and communication; and six sectoral offices located in each of the major valleys of the park. Specialist staff also support the Director with regard to works and infrastructure, services for disabled people, and geographic information systems. Following the 2006 legislative amendment (see above) *Parc National des Pyrénées* is currently developing a Park Charter, and a staff member, who reports to the Director, has been appointed to implement the necessary consultation processes (*Parc National des Pyrénées* 2008b). The development process is scheduled to take two years, with an intention to have the Charter completed and signed off during 2011.

Park Board members are nominated by a series of colleges. The Administrative College includes ten members: the Prefect nominates the representative of the French Government; the general council for each department nominates a representative, and the commune mayors nominate mayors to be on the Board. The *Elus locaux* (local elected officials) contribute 24 members, 15 members come from the *Personnes Qualifiées* College (hunters, fishers, foresters, agriculturalists, naturalists and scientists) and one from the park staff (*Parc National des Pyrénées* 2008b).

A *Commission Permanente* (Permanent Commission) of 10 members advises the Board. This Commission also establishes a four-member sub-committee charged with the responsibility of determining compensation cases related to damages caused by brown bear (*Ursus arctos*). A 20-member *Conseil Scientifique* (Scientific Commission) advises both the Board and the Director. Members are recommended by the Board and appointed by the Prefect on behalf of the government. The *Conseil Scientifique* is charged with giving technical advice, identifying management issues related to natural and cultural heritage conservation, and overseeing scientific studies related to the Park. Three sub-committees have also been established to provide specialist input relating to natural heritage, cultural heritage and landscape dynamics.

The 245,000 hectare Park is divided into two zones – a 45,707 hectare core (IUCN Category II), and a 206,352 hectare *zone d'adhésion* (IUCN Category V) which has approximately 40,000 residents. Two IUCN Category IV nature reserves are embedded within the park: *Réserve Naturelle du Néouvielle* (2,313 hectares) and the *Réserve Naturelle d'Ossau* (83 hectares), as well as two Natura 2000 Special Conservation Zones (also IUCN Category IV). The 6,191 hectare Natura 2000 site *Néouvielle* includes the Néouvielle Natural Reserve and part of core and *d'adhésion* zones of the Park. The 4,651 hectare Natura 2000 site *Péguère, Barbat, Cambalès* is located within the core zone of the Park. Plans for these sites were developed under the guidance of a steering committee established under the authority of the Prefect for Hautes-Pyrénées. Three thematic working groups also contributed to the plan development: forests, farming-pastoralism and tourism and local development. The *Parc national des Pyrénées* management agency has been designated by the Prefect as the



implementation authority for the plans (*Parc National des Pyrénées* 2000, Préfecture des Hautes-Pyrénées, DIREN Midi-Pyrénées and DDAF des Hautes-Pyrénées 2003, 2004).

A section of the *Parc national des Pyrénées* borders the *Parc National d'Ordesa Mont Perdu* in Spain. In 1988, a Charter of Cooperation was established, and renewed ten years later, to promote cross-border management. The renewal was in part prompted by the inscription in December 1997 of the massif de Gavarnie-Mont Perdu on the UNESCO World Heritage List. The Pyrénées - Mont Perdu World Heritage Area covers 30,639 hectares - 20,134 hectares in Spain and 10,505 hectares in the *Parc national des Pyrénées*, of which 7,451 hectares are in the core zone and 3,054 hectares in the *zone d'adhésion*. The national park director is the official administrator of the French section of the World Heritage Area. A management plan developed in 1995 provided very broad guidance but was not sufficient to direct implementation of management actions. In an effort to revitalise cross-border cooperation and management, two committees were established: a steering committee comprising government and commune elected officials co-chaired by the Midi-Pyrénées President and the Hautes-Pyrénées Prefect; and a consultative committee of various elected officials, organisational representatives and experts chaired by the Prefect (Comite du Patrimoine Mondial 2007).

## Legitimacy

**Overall achievement:** High level of performance with potential for improvements

**Recommended improvements:**

1. Monitor the level of earned legitimacy by undertaking a triennial survey of park residents' attitudes and preferences.
2. Institute processes designed to foster mutual respect between holders of local knowledge and scientifically-trained specialists.
3. Seek independent advice on the congruence of management practices in the core zone with the IUCN guidelines for Category II protected areas, and if necessary test, and if appropriate adopt, strategies that strengthen the emphasis given to nature conservation.
4. Ensure that the provisions of the forthcoming Charter are consistent with the IUCN guidelines for Category II (in the core zone) and Category V (in the *zone d'adhésion*) protected areas.
5. Give consideration to establishing a register of Board and commission members' interests.

*The governing body is conferred with a legal or democratically mandated authority*

**Achievement:** Very high

**Evidence:** *Code de l'environnement*, interviews with Park staff and office-bearers

As indicated above, the democratic legitimacy is established through the establishment of the park and its governing body under the *Code de l'environnement*, and by the inclusion of local elected officials on the Board. The Minister authorises the declaration of the Park and ensures the Park is managed according to the provisions of the *Code*. At the same time, the Park has a significant degree of autonomy at the local level, as management is delegated to the Board and Director who have substantial decision-making powers within the broad parameters set by Government. This autonomy is reflected by the minority representation of French Government officials on the Board, with local elected officials, local NGOs and locals with particular sectoral expertise or interests having 39 of the 50 seats. This strong, formally-established democratic base was identified by interview respondents as a key strength of the Park governance.

Conferred legitimacy can provide an important basis from which a park authority can provide leadership, which in the medium to long-term may be widely appreciated, even if there is local opposition in the short to medium term:

When the park was created, the government had to be firm, to provide leadership and make hard decisions, otherwise the park would not have existed. The park was established on a very fragile socio-economic basis, with little participation and lots of opposition because they were afraid of economic decline and reduced economic opportunities and restrictions on current uses. They did not see the opportunity for tourism at the time – the local structures now have more power, due to decentralisation of powers to departments and communes, and slowly the park and the local governance structures became closer and enabled more cooperative relationships to develop (Park staff member).

*Stakeholders freely accept the governing body's authority*

**Achievement:** High

**Evidence:** *Code de l'environnement*, interviews with Park staff and office-bearers

The original establishment of the Park in 1967 was imposed in the local community and its declaration was not well regarded by many local people. Key reasons behind this opposition included loss of local control over management decisions, the Director's power to intervene in the then *zone périphérique*, and restrictions on traditional activities in the core zone such as hunting and fishing. While these restrictions have had demonstrable benefits to wildlife populations (for example in 1967 the Pyrénéan chamois (*Rupicapra rupicapra*) population in the core zone was down to about 1,300 animals and by 2008 the population had increased to 6,500), many local people remain opposed to the measures. Additionally, increases in the number of tawny vultures (*Gyps fulvus*) and the protection given to brown bears are seen by some locals as negative outcomes because of the impacts these species have on pastoral activities:

Let us not forget that national parks are not very well regarded by local people, and that the Pyrénées may be the worst, because of problems with bears and vultures – as soon as these animals are mentioned, people associate them with the park and the problems they cause for locals. Unfortunately, it isn't a good image for the park (Park staff member).

Nonetheless several park staff are of the view that local acceptance has slowly grown over the last 40 years. One factor that helped mitigate local opposition has been the employment of local people as field staff in the six valleys, as local people felt that at least 'one of their own' might be expected to have an appreciation of local circumstances and practices. More recently, however, appointments have been short to medium term, and subject to national selection processes, including examinations which select candidates for their expertise in areas such as the natural sciences:

It is a problem with the French public service system that longer-term appointments are not encouraged and also that appointments may be made on criteria such as performance in exams that do not relate to the challenges of governing and managing a national park. In 1967 people were recruited from the valleys. Today it is a national process and none of the recent appointees have any local knowledge – you can be a ranger without knowing about the mountains, not being able to ski, not being able to climb – we cannot do anything about this – there is a national examination and we have no power to change this (Park staff member).

This situation threatens to erode some of the hard-won credibility and acceptance of the Park amongst local people. Furthermore, some local partners and elected officials people do not recognise or respect the expertise of the *Conseil Scientifique*. The cultural divide between holders of local knowledge and scientifically-trained specialists constitutes a legitimacy problem and a fairness problem (see below).

Over the next two years, earned legitimacy will be greatly strengthened by preparation of the park Charter, as required by Law 2006-436. In April 2011, following an extensive

consultation and development process in which local people will play a central role, each commune will formally decide whether or not they will sign the Charter. If a commune does not sign, their territory will no longer be included in the Park's *zone d'adhésion*. These arrangements will enhance the park authority's legitimacy to intervene, because it will be acting under a freely-given mandate from the local community. However, this voluntary involvement may also create significant governance and management difficulties if some communes choose not to sign up to the Charter:

The park extends over two departments, and the *Pyrénées Atlantiques* do not want to work with us – they are against the park. That is a big problem for us. They are saying they will withdraw from their part of the current *zone d'adhésion* – 20 communes out of 86. If only some withdraw, we could also end up with 'holes' in the *zone d'adhésion* if some communes join and other do not. Although the core area will not be changed, this would be a big problem for ecological connectivity. If they withdraw, they will no longer have access to financial incentive programs, not only for nature conservation but also for maintaining the character and values of their villages and other works that would benefit their communities – this consideration might influence them to change their minds ... we have to convince, and cannot force (Park staff member).

*The governing body has a long-standing cultural or spiritual attachment to some or all of the lands within the protected area*

**Rating:** Very high

**Evidence:** *Code de l'environnement, Parc National des Pyrénées* (2004a, 2004b), interviews with Park staff and office-bearers

Having local elected officials, local NGOs and locals with particular sectoral expertise or interests with a majority on the Board provides a direct link between Park governance and people with long-standing place attachments. In the *Code de l'environnement* there is also a requirement for the Park authority to give a high priority to cultural heritage conservation and management – guidance that has been elaborated in strategic and operational plans (*Parc National des Pyrénées* 2004a, 2004b). Park Board members and staff are well-aware of the cultural significance and traditional associations and practices, and in interviews several pointed to the role of the forthcoming Charter in further consolidating attention on these matters:

For the work I do, the development of the Charter will help address the pre-existing conflict between the inhabitants of the *zone d'adhésion* and the purpose and management of the park – developing a common understanding through the chapter will be a big gain, and will help better recognise the local cultural and territorial identity in the park management. It will be their project – it is very important for their activities, their culture, their pastoralism (Park staff member).

The dynamic interaction between human uses and the landscape are also well-understood, and management is responding to the challenge of integrating protection of natural values with maintenance of traditional activities:

The pastoralists have been using and managing the landscape for a long period of time, and so any changes to their management would result in big changes to the landscape. So it is important that such uses are allowed to continue. Without continued grazing, the open pastures/grasslands in the mid to upper levels of the park would disappear and be replaced by forest. Pastoral activities are vital for maintaining the current biodiversity of the park and the balance of the ecosystems. ... To help the pastoralists to continue their traditional practices, the park makes available finance under planning contracts involving the park, the French Government, the Midi-Pyrénées Region and the Hautes-Pyrénées Department, as well as some European funds. The funds are used, for example, to help the construction of huts for the shepherds, or the access routes for the cattle into and through the park, or to

buy equipment to help manage the pastures. There is a contract, and under it the pastoralists have to commit to keeping certain numbers of livestock grazing the pastures (Park staff member).

*The governing body acts in accordance with its mandate and purpose of the protected area*

**Achievement:** Moderate to high

**Evidence:** *Code de l'environnement*, *Parc National des Pyrénées* (2004a, 2004b, 2007a), Préfecture des Hautes-Pyrénées, DIREN Midi-Pyrénées and DDAF des Hautes-Pyrénées (2003, 2004), interviews with Park staff and office-bearers

A suite of regulatory and management instruments, including the *Code de l'environnement*, strategic plans, operational plans and performance reports, together with the forthcoming Charter, provide a solid framework of direction and control that ensure the governing authority acts in accordance with its mandate. There is, for example, a consistency of purpose and practice evident in the authority's efforts to achieve both natural and cultural heritage objectives in the core zone, and to foster sustainable development alongside heritage conservation in the *zone d'adhésion*.

From the evidence, management of the *zone d'adhésion* and the nature reserves appears broadly consistent with the IUCN guidelines for Categories V and IV protected areas respectively, though some shift of emphasis in the management regime of the former is desirable if it is to fully meet the criteria for a protected area.

Category V protected areas have a primary objective to 'protect and sustain important landscapes/seascapes and the associated nature conservation and other values created by interactions with humans through traditional management practices' and to also 'maintain a balanced interaction of nature and culture through the protection of landscape and/or seascape and associated traditional management approaches, societies, cultures and spiritual values' and 'contribute to broad-scale conservation by maintaining species associated with cultural landscapes and/or by providing conservation opportunities in heavily used landscapes' (Dudley 2008, p. 20). Category V protected areas can 'seek to maintain current practices, restore historical management systems or, perhaps most commonly, maintain key landscape values whilst accommodating contemporary development and change' (Dudley 2008, p. 21).

However, the definition of a protected area provides an overriding requirement to achieve the long-term conservation of nature, along with 'associated' cultural values (Dudley 2008, p. 8). The definition indicates that protected areas are not seeking to balance conservation and development, but to secure nature conservation outcomes and provide protection for associated cultural values. While the guidelines give a wide margin of flexibility in the elaboration of the definition for Category V areas, nature conservation must remain a primary, and if necessary overriding, goal. Given the level of development and inhabitation in the *zone d'adhésion*, staying true to this characterisation of a protected area is a significant challenge. The forthcoming Charter provides an opportunity for the *Parc National des Pyrénées* to indicate how this challenge will be met. To maintain the integrity of the protected area concept, it is appropriate that in the future territories of communes unable to commit to a Charter that supports a management regime consistent with the IUCN guidelines are not included in the Park.

The limited authority of *Parc National des Pyrénées* within the *zone d'adhésion* is also of concern in terms of meeting the objectives of a Category V protected area. For example, in the *zone d'adhésion*, decisions about whether or not to permit new tourist resorts is the prerogative of an independent *Commission des Sites*, which is under the auspices of the

Department – *Parc National des Pyrénées* provide comment, as do the commission, but the authority rests with the Department.

Category IV protected areas have a primary objective to ‘maintain, conserve and restore species and habitats’ and the guidelines note that active management of culturally-defined ecosystems will be necessary because the ecosystem has been created or at least substantially modified by past and current uses (Dudley 2008, p. 19). The management plans for the reserves are consistent with the guidelines (Préfecture des Hautes-Pyrénées, DIREN Midi-Pyrénées and DDAF des Hautes-Pyrénées 2003, 2004).

Category II protected areas are primarily to ‘protect natural biodiversity along with its underlying ecological structure and supporting environmental processes, and to promote education and recreation’ while allowing managers to ‘take into account the needs of Indigenous people and local communities, including subsistence resource use, in so far as these will not adversely affect the primary management objective’ (Dudley 2008, p. 16). The guidelines note that ‘concepts of naturalness are developing fast and some areas that may previously have been regarded as natural are now increasingly seen as to some extent cultural landscapes’ but that nonetheless Category II areas are essentially natural systems or in the process of being restored to natural systems while Category V areas are cultural landscapes and aim to be retained in this state (Dudley 2008, p. 17). *Parc National des Pyrénées* faces some challenges in establishing a Category II management regime within the core zone. For example:

as agriculture has become more mechanised and industrialised, we cannot now say today that agriculture is compatible with landscape and biodiversity conservation. Sheep grazing in the high plateaux for example have an impact on endemic plants such as *Adonis pyrenaica* ... as soon as the farmers raise their flocks more intensively we cannot say that this is sustainable (Park staff member).

Current management practices that seek to maintain altered pastoral landscapes and traditional uses within the core zone, albeit under strict regulation, and eschew any experimentation with lower intensity regimes that may better address biodiversity outcomes, would appear, *prima facie*, to be inconsistent with the Category II guidelines.

#### *Governors act with integrity and commitment*

**Achievement:** High

**Evidence:** *Code de l'environnement, Code général des collectivités territoriales, Code des marchés publics*, interviews with Park staff and office-bearers

As members of a public body, the office-bearers and staff of the governance authority are subject to a number of legally-enforceable measures, including the *Code de l'environnement*, *Code général des collectivités territoriales*, and *Code des marchés publics*, that prescribe standards and procedures for ethical conduct. Corruption, nepotism and financial irregularities are avoided through the strict observance of such mechanisms. Public tenders are let for all contracts. As one Park official observed, ‘while managers may not do everything with absolute integrity, they are very controlled’. None of the persons interviewed identified any problems associated with conflicts of interest. However, there are no formal interest registers or declaration procedures. The dispersal of power between a large number of Board, commission and committee members assists in preventing decisions that grant inappropriate advantage to any individual or company. For example, the Commission which makes decisions about compensation for damage caused by bears:

has five members representative of nature conservation, agriculture - they often do not agree - and three mayors. They all have different interests. They discuss each case and vote. ... I am always surprised about the good decision making. Sometimes there is a political decision, but more often they make the 'hard' decision – it is a very good experience to observe such meetings. The board is similarly well-balanced (Park staff member).

Interviews with park staff failed to uncover any evidence that might lead one to question staff, Board and commission and members' commitment to the mission of the Park, although of course some place more emphasis on local development and traditional use matters while others are more focussed on securing nature conservation outcomes. The forthcoming Charter will further secure the commitment of participating *collectivités territoriales* for a period of 15 years.

## Transparency

**Overall achievement:** High level of performance with potential for improvements

**Recommended improvements:**

1. Subject to legitimate privacy and confidentiality considerations, develop processes to make meeting records from commissions and committees more readily available to stakeholders.
2. Develop protocols by which official meeting records include a summary of the reasons for each decision.
3. Develop and maintain a web-based decision register that indicates the decision itself, who made the decision, the basis for this authority, and an explanation or justification.

*Governance and decision-making is open to scrutiny by stakeholders, and the reasoning behind decisions is evident*

**Achievement:** Moderate to high

**Evidence:** Websites ([www.parc-pyrenees.com](http://www.parc-pyrenees.com), [www.parcsnationaux-fr.com](http://www.parcsnationaux-fr.com)), interviews with Park staff and office-bearers

Stakeholders have access to all Board decisions. A central register is kept of these decisions by *Parcs Nationaux de France* and is available on the national website. Genuine efforts are also made by *Parc National des Pyrénées* to communicate decisions to stakeholders via media reports and newsletters. However, there is less opportunity for stakeholders to scrutinise the decisions of commissions and committees, understand the reasons why a decision has been made, or appreciate the use of scientific data to inform decisions:

It is not completely transparent. The people from the commissions can see what is going on, but it is not completely transparent to the general public, although it depends on the commission. The general public have access to the Board minutes but for example, the Commission responsible for bear management generates very private discussions about individual cases, especially when there are financial matters being discussed (Park staff member).

With some decisions there is no proof one way or the other, so it is a judgement, and the exact basis of the decision is a bit secret and the exact reason for the decision is often not clear to someone from outside a commission. All the farmers are informed by letter of each decision and the reason but they do not have all the details. In the *Conseil Scientifique* the debates stay private (Park staff member).

The scientific databases are at the disposal of the decision makers ... but there is not enough transparency in the way data is employed by the *collectivités territoriales* – the data are not explained enough to the people – why we take those decisions in the park (Park staff member).

As indicated in the above comment from a staff member, confidentiality is necessary and appropriate with respect to matters of private financial concern.

*Achievements and failures are evident*

**Achievement:** Very high

**Evidence:** Website ([www.parc-pyrenees.com](http://www.parc-pyrenees.com)), *Parc National des Pyrénées* (2007a), interviews with Park staff and office-bearers

The Park produces an annual report, available in paper copy and on the website, which reconciles performance against strategic and operational plans. Assessment teams are formed to prepare materials for these reports. Every year the Director makes a presentation of Park performance to the Board, and the media is invited to this session. Board and Director's reports are also available on the website. Three-year contracts between *Parc National des Pyrénées* and the Government set both the level of finance to be made available for the Park and associated objectives that attach to this provision. The Park authority reports to the Government each year against these objectives. The forthcoming Charter will also have an associated performance reporting process.

*Information is presented in forms appropriate to stakeholders' needs*

**Achievement:** Very high

**Evidence:** Website ([www.parc-pyrenees.com](http://www.parc-pyrenees.com)), *Parc National des Pyrénées* (2000, 2004a, 2004b, 2007a, 2007b, 2008a, 2008b), interviews with Park staff and office-bearers

A diversity of media are used to communicate with stakeholders, including the website, printed materials, visitor centres and park offices in each of the six valleys, *in-situ* interpretive signage, and two or three times a year a journal is distributed in every letterbox within the park. Information from key technical documents is available in shortened and simplified forms. The website is available in French, English and Spanish, as are a number of supporting documents.

## Accountability

**Overall achievement:** Exemplary, with opportunities to further advance 'cutting-edge' good governance

**Suggested opportunities:**

1. Provide a triennial report to IUCN World Commission on Protected Areas on the extent to which the Park is managed according to the Dudley (2008) guidelines.
2. Provide a triennial report to the UNESCO World Heritage Commission on management performance in the French section of the Pyrénées - Mont Perdu World Heritage Area.

*The governing body and personnel have clearly defined roles and responsibilities*

**Achievement:** Very high

**Evidence:** *Code de l'environnement*, website ([www.espace-naturels.fr](http://www.espace-naturels.fr)), interviews with Park staff and office-bearers

An internal regulation within the Board, which issues from the 2006 amendment to the *Code de l'environnement*, defines the Park Director's role and responsibilities, as well as those of the Park staff. The *Code* also identifies the responsibilities of the Board, the Board President and the commissions. The role of each staff member is identified in a position description, which includes a statement of how the duties of each person fit in with the overall tasks of the Park – recruitment processes and appointments are conducted on the basis of these documents. The website [www.espace-naturels.fr](http://www.espace-naturels.fr) details the role classifications for all staff positions, defines each role, the training and qualifications required and the typical tasks involved.

*The governing body has demonstrated acceptance of its responsibilities*

**Achievement:** Very high

**Evidence:** Website ([www.parc-pyrenees.com](http://www.parc-pyrenees.com)), *Parc National des Pyrénées* (2004a, 2004b, 2007a), interviews with Park staff and office-bearers

The Board, Director, staff and commissions of the Park are meeting their responsibilities.

*The governing body is answerable to its constituency ('downward' accountability)*

**Achievement:** Very high

**Evidence:** *Code de l'environnement, Parc National des Pyrénées (2008a)*

The constituencies of *Parc National des Pyrénées* are the *collectivités territoriales* (regions, departments and communes) as well as the residents living with the Park. Board and commission membership and processes provide direct avenues of accountability to the *collectivités territoriales*, and through the *Elus locaux* to Park residents as well. This accountability will be strengthened by development and ratification of the Park Charter.

*The governing body is subject to 'upward' accountability*

**Achievement:** Very high

**Evidence:** *Code de l'environnement*

Under his/her contract the Park Director is accountable to the Board. Under the *Code de l'environnement*, the Board is accountable to the Minister. The Park is also subject to an audit and verification by an independent national court under the authority of the President of the Republic.

## **Inclusiveness**

**Overall achievement:** Exemplary

**Suggested opportunities:**

1. Undertake a biennial survey of a representative sample of Park residents and other stakeholders to measure, monitor, evaluate and where appropriate act upon their values, attitudes, aspirations and behaviours.
2. Strengthen engagement with the international protected area community.

*All stakeholders have appropriate opportunities to participate in the governing body's processes and actions*

**Achievement:** Very high

**Evidence:** *Code de l'environnement, website (www.parc-pyrenees.com), Parc National des Pyrénées (2008a, 2008b), interviews with Park staff and office-bearers*

The mechanisms described under 'transparency' provide a good platform for *Parc National des Pyrénées* to communicate opportunities for stakeholders to participate in their processes and activities. Recent issues of the Park's journal, the website and other brochures include material designed to make stakeholders aware of how they might contribute. All park staff and office-bearers interviewed showed a keen awareness of and commitment to inclusive participation. Several highlighted the significance of the 2006 reforms, and in particular the development of a park charter, as signalling a shift towards more inclusive governance for French national parks:

We see a significant difference between the pre-2006 situation and in 2008 ... particularly with respect to change in participation and transfer of power to local communities. In 1967 the park did not take the opinion of local people into account, or only very little. In 2008 with the Charter being developed, we can see that the inhabitants' opinions will be taken into account. It is a real evolution of national parks governance. ... With the new law, there is a good balance between the local stakeholders and the Government, between the Director of the Park and the Board (Park staff member).

This is very new politically in France - to invite anybody into a process. In the first generation of the park, this was a major deficiency. The park authority had no consultation and was very 'top-down'. This will change with the Charter. The goal will be to have the people do the Charter – for example a program of action was developed by the people with the commissions and the board – local people will be more influential in the future (Park staff member).



The engagement process for the development of the *Parc National des Pyrénées* Charter is thorough and wide-ranging:

For two years we will be having meetings to work through the Charter. Each meeting will be focussed on a particular topic – pastoralism, hunting, recreation and so on. Outcomes of these meetings will be presented to stakeholders. We started in May 2008 to work towards developing the Charter with all the stakeholders. The first step was to establish the current state of the values in the park – the natural and cultural heritage, built heritage, demographics, socio-economics, the organisations involved. This work will be compiled by an independent consultant, with input from park staff and stakeholders. Tenders have been called for and a preferred applicant identified – that is as far as we have got at this stage. Two documents will be produced – a detailed technical report for the park managers and a more general document for stakeholders and the general public. The study will be finished at the end of this year. From this, we will develop the management strategies. These strategies will be developed by working groups for each management topic. From January we will go to the stakeholders in each valley and hold public meetings with hunters, fishers, pastoralists, residents, elected members and so on. For each theme we will all be working together – there will perhaps be ten groups. The outputs from these various working groups will be compiled and inform the development of the Charter. This will take another two years (Park staff member).

*The governing body actively seeks to engage marginalised and disadvantaged stakeholders*

**Achievement:** Very high

**Evidence:** Website ([www.parc-pyrenees.com](http://www.parc-pyrenees.com)), *Parc National des Pyrénées* (2007b, 2008b), interviews and a field visit with Park staff and office-bearers

The inclusive nature of Park governance, the absence of a marginalised Indigenous community, and the relative socio-economic homogeneity amongst stakeholders (compared with the extremes of advantage and disadvantage evident in some developing countries, for example) mean that the imperative to engage marginalised and disadvantaged stakeholders is not as prominent in *Parc National des Pyrénées* as in many other protected areas. The particular disadvantaged group identified by Park strategies is physically disabled people. Making the park accessible to handicapped people is an important part of Park management. For example, work is currently underway to construct a wheel-chair accessible circuit track around a scenic lake in the Val d'Azun. There are three partners in this project - the local commune, Électricité de France (because of the hydro-electricity installations in the area) and *Parc National des Pyrénées*. The commitment of the Park to providing services to disabled people is further indicated by the following view expressed by a local advocate for disabled people:

The attitude of the park towards handicapped people is exemplary! Projects have been established very quickly and the engagement with stakeholders is strong. A number of ambitious actions that will significantly enhance access and enjoyment of the park for handicapped people are included in the implementation plan for 2005-2009 (paraphrased from Jean-Paul Cournet, Comité Départemental Handisport à Tarbes, *Parc National des Pyrénées* 2007b).

## **Fairness**

**Overall achievement:** Exemplary, with opportunities to further advance 'cutting-edge' good governance

**Suggested opportunities:**

1. Establish an awareness program to increase the mutual respect between biophysical scientist and other staff and local stakeholders.
2. Undertake an annual analysis of the decision register (see recommendation 3 under 'accountability') to test for any bias or unfair distribution of costs and benefits.
3. Give explicit recognition to the intrinsic value of nature in the forthcoming Charter and future plans.

*Stakeholders, office-bearers and staff are heard and treated with respect and there is reciprocal respect between governors from higher and lower level authorities*

**Achievement:** Very high

**Evidence:** Interviews and a field visit with Park staff and office-bearers

No direct evidence was obtained on (i) the attitudes of Board members towards stakeholders, staff, and Government officials; (ii) the attitudes of Park staff towards stakeholders, Board members and Government officials; and (iii) the attitudes of Government officials towards Park Board members and staff. However, interviews with staff and Board members indirectly revealed, through tone and content, that the relationships between Park office-bearers, staff and Government officials are characterised by mutual respect for their respective roles and the professionalism and competence with which these roles are carried out. While there may be disrespectful and untrusting relationships between particular individuals, there is no evidence of a systematic governance issue in this regard. The Board and commission structures contribute to this circumstance, as they place people from multiple governance levels and with diverse functions into close working relationships that enable trust and respect to be developed and maintained.

*Decisions are made consistently and without bias*

**Achievement:** Very high

**Evidence:** Website ([www.parc-pyrenees.com](http://www.parc-pyrenees.com)), interviews with Park staff and office-bearers

Extensive engagement processes, together with wide representation of interests on the Board and commissions, provide a strong platform for unbiased decision-making, and there was no evidence of bias in the interviews or from examination of selected Board decisions.

*Indigenous peoples', human rights and the intrinsic value of nature are respected*

**Achievement:** Very high

**Evidence:** *Parc National des Pyrénées* (2004a), website ([www.parc-pyrenees.com](http://www.parc-pyrenees.com)), interviews with Park staff and office-bearers

There are no Indigenous peoples with a stake in the Park. Genuine concern for and engagement with the rights of local people for a say in matters that affect them, and a commitment to negotiating nature conservation outcomes alongside the well-being of resident communities, point to a strong human-rights base in management of the Park.

While there is no explicit recognition of the intrinsic value of nature as a founding principle of management, it is reasonable to interpret at least three objectives articulated in the strategic plan (2, 6 and 7) as in part being motivated by protecting nature for its own sake. The context and tone of these statements suggest joint ecocentric and anthropocentric motivations, as for example:

The response of *Parc National des Pyrénées* [to the impacts of human activities on biodiversity] will primarily focus on two actions:

- on the basis of experimentation and documentation of experiences, understand how to reduce the impacts and deterioration generated by human activities;
- followed by implementation, together with partners, of education programmes designed to make people receptive to new management techniques and altered use regimes that are more respectful of biodiversity and landscapes (*Parc National des Pyrénées* 2004a, p. 29).

An observation by a Park staff member indicates that convincing others of the need for conservation measures is often a challenge:

Hunting is forbidden in the core of the protected area and now species have recovered - including the deer - that used to be hunted, so that there is now also better hunting in the *zone d'adhésion*, but the hunters refuse to acknowledge this benefit. They say that there are now too many animals in the area protected so that they are now too old and diseased they can transfer these diseases to other populations outside the park - this is not true, but just a perception promulgated by the hunters. The tourism people do recognise the benefits for fauna (Park staff member).

Some tensions were evident, however, between those committed primarily to nature conservation, and staff with wider concerns or mandates. For example, a comment, intended as a criticism of the approach of one of the Park's commissions, also suggests that there is a 'voice for nature' within the organisation, albeit one that seems somewhat marginalised:

When a project is considered [by the *Conseil Scientifique*], it is like having one specialist and no discussion – a bit of an exaggeration but you get the idea – there is no broader opinions or understanding of the impact of the decisions. For example, a farmer wanted to burn off some land – the *Conseil* only looked at the impact of the fire but ignored the benefits to the farmer (Park staff member).

However, another staff member had a more positive outlook for the longer term:

Even if scientific experts and local authorities are not immediately in accord, over time we hope there will eventually be a convergence of views as a result of the discussions and debate – we think this is a much better way to proceed than a 'top-down' government imposition of a decision (Park staff member).

*The distribution (intra- and intergenerational) of the benefits and costs of decisions and actions are identified and taken into account*

**Rating:** Very high

**Evidence:** Website ([www.parc-pyrenees.com](http://www.parc-pyrenees.com)), *Parc National des Pyrénées* (2004a, 2007a, 2007b, 2008b), *Code de l'environnement*, interviews with Park staff and office-bearers

Intragenerational fairness is taken into account by the Park Board and staff. *Parc National des Pyrénées'* annual reports identify the distribution of financial investment by sector (nature conservation, agriculture, tourism and so on), as well as the apportionment between the six valleys of the Park. These data are used to assess whether redistributive strategies are required. For example:

two years ago we found that we were tending to neglect one of the valleys, and are now taking steps to make sure that this valley gets a fair share (Park staff member).

The strategic plan explicitly articulates a policy of equality of the treatment of disadvantaged people and equal opportunity between men and women, as well as urging the provision of access into the Park for inhabitants, handicapped persons and those suffering social or economic disadvantage.

Communes with the Park receive additional funding, proportional to their area, by virtue of the fact they are within the Park. Landowners can also access tax rebates if they are within the Park, in part compensation for restrictions on their use and development rights.

Accommodating the diversity of community and stakeholder interests is a high priority, and the need to develop a Charter that applies fairly to all geographic areas and interest groups was recognised as a challenge by Park staff. This approach to developing the Charter reflects a continuation of the current attitude to distributional questions:

We try to be fair to everyone. We have to be fair to the two Departments, Hautes-Pyrénées and Pyrénées Atlantiques, to all the professions, to all the communes. Some individuals have many projects and some of these are well developed and so the park is readily able to help. Some others need support throughout the process, from beginning to end, because they have not reached the same stage of maturity in some aspect. For example, there are always tourism projects, and some sections of the park naturally have more tourism development opportunities, so of course there are more projects going on in these areas, but as far as possible we try to be fair (Park staff member).

Intergenerational fairness is not explicitly included in strategic planning documents, but the importance of passing on a rich natural and cultural heritage to future generations is alluded to in public communication such as the Park journal (*Parc National des Pyrénées* 2007b, 2008b). And of course the emphasis given to sustainable development, both in the originating *Code de l'environnement* and in the strategic plan, in which sustainable development is frequently mentioned and actioned, are indicative of an intergenerational agenda. The strategic plan also emphasises the need to communicate to younger generations the value of cultural and natural heritage and the importance of their protection (*Parc National des Pyrénées* 2004a).

## Connectedness

**Overall achievement:** High level of performance with potential for improvements

**Recommended improvements:**

1. Provide more concerted leadership and attempt to build effective governance structures for coordinating management of the World Heritage Area and, more generally, attempt to strengthen links with Spanish park authorities.
2. Strengthen links between the Park and international conservation NGOs, and in particular with IUCN World Commission on Protected Areas
3. Strengthen links with regional park authorities.

*The governing body is effectively connected and coordinated with governing bodies at different levels of governance, and the governing body's direction and actions are consistent with directions set by higher-level governance authorities*

**Achievement:** Very high

**Evidence:** *Code de l'environnement*, website ([www.parc-pyrenees.com](http://www.parc-pyrenees.com)), *Parc National des Pyrénées* (2004a), interviews with Park staff and office-bearers

The *Code de l'environnement*, Board membership, and multi-level involvement in committees such as those responsible for overseeing the management of nature reserves, ensure that, despite the multi-institutional complexity of French administration, each level is effectively connected into Park governance, and that policies and activities at one level are able to be coordinated with those at other levels. The strategic plan and comments made by interviewees also demonstrate a commitment to building effective cross-level governance for the Natura 2000 sites. That is not to suggest that this connectedness means that everything runs smoothly:

It is a challenge for me to be the link between the community and the Government. This creates a lot of pressure. The Government tends to want to be authoritarian and control what happens to a degree that the local elected representatives are not happy with - they try to maintain the level of their influence through the board - so there is a tension here that I have to manage (Park staff member).

Capitalising on the potential provided by these arrangements is also an ongoing endeavour:

Nationally, we currently are getting organised with the creation of a system of information for landscape and nature. It should eventually work better once this is established. We cooperate well in terms of sharing data with the Ministry and with the French Institute for Environment (Park staff member).

National directions are fully observed in the Park, as directed by the *Code de l'environnement* and under the advisement of the Minister through accountability and reporting procedures. As noted, procedures are in place to govern Natura 2000 sites in accordance with European directives. Other international obligations are also taken seriously:

Sometimes because of economic reasons compromises are made and preservation comes second, but this is rare - for example there is a chemical industry that needed to expand and because of intense political pressure this was approved even though the factory was on the river and would have impacts on the aquatic ecosystems but there were no species of international significance involved; in fact this case is unusual. We do give high priority to conservation of international and endemic species, and take seriously our obligations, for example, under the Convention on Biological Diversity (Park staff member).

However, less attention appears to be given to the World Heritage Area within the Park. Although the strategic plan does include an objective related to strengthening the bilateral cooperation with Spain, and general actions prescribed in the plan also influence management of the French section of the World Heritage Area. A 2007 joint ICOMOS/IUCN/UNESCO mission to the WHA noted that administrators of the two parks were sceptical about the will to establish an effective cross-border governance arrangement, and recommended that joint initiatives be led from the local level. This does not seem to have occurred:

We do not have good linkages with Spain. We have very little exchange, it's a pity, even though there are sister parks adjoining the Pyrénées National Park. Both parks share responsibility for this situation. ... The park has been a leader in trying to establish stronger cooperation amongst all the parks along the Pyrénées, but this initiative has so far been unsuccessful. The political will and the leadership elsewhere has been lacking. But things seem to be improving a little. Wider connectivity management of potential linkages between natural lands does not occur – it should (Park staff member).

The Park also has limited connections with the international protected area community. There is some association with Birds International, but little, for example, with the IUCN network.

*The governing body is effectively connected and coordinated with governing bodies operating at the same governance level*

**Rating:** High

**Evidence:** Website ([www.parcsnationaux-fr.com](http://www.parcsnationaux-fr.com)), interviews with Park staff and office-bearers

As noted above, *Parc National des Pyrénées* are struggling to establish effective connections with protected area managers across the border in Spain, but 'we work well with other national parks and regional parks' (Park staff member). *Parcs Nationaux de France*, established in 2006, has greatly assisted collaboration between national park authorities. *Parc National des Pyrénées* also have meetings with other parks to discuss matter of mutual interest, such as development of Charters. However, some staff are of the view that:

there is very little connection between national parks and regional natural parks. There used to be joint workshops, but not any more. National parks had somewhat of an attitude that they were doing the 'real' protection and the regional parks were doing sustainable development and that they are not at the same level in terms of conservation – this attitude is a pity – this attitude is still prevalent, even though national parks have a lot to learn about governance from regional parks. I think national parks will be forced to have better links in the future, as a result of the new process involved in developing the Charter, which has been adapted from the regional model (Park staff member).

*The levels at which power is exercised (local, sub-national, national, international) match the scale of associated rights, needs, issues and values*

**Rating:** Very high

**Evidence:** *Code de l'environnement*, website (www.parc-pyrenees.com), interviews with Park staff and office-bearers

The *Parc National des Pyrénées* is, on the whole, a model example of the application of the subsidiarity principle. Park governance enables close attention to local and regional issues and values, while connections to high levels of governance, the qualifications noted above notwithstanding, require national interests and allow international concerns to be addressed. The Park authority is a relatively well-resourced and professionally capable organisation, that is well-placed to meet the complex demands and challenges of managing the *Parc National des Pyrénées*. Staff have offered the view that development of the Park Charter will further strengthen this devolved governance arrangement:

The Charter is a mechanism for decentralising decisions in accordance with higher level laws and then in the decree - the strength is that there are some strong high-level rules at the top level - for example you cannot have industrial activities in a national park, but we allow agriculture, forestry, some controlled tourism as long as they are in accordance with the biodiversity and landscapes that we want in our national parks, and the specific ways in which these activities can take place are decided at the park level (Park staff member).

And as another observed:

The current structure is a good balance between central government influence and local influence. The current size of the individual park authority and the scale at which we are working is efficient and enables effective management and the land within the park is not divided so we can manage it as a whole. The scale of decision-making is predominantly at the park-level – 99 per cent of decisions are made from Tarbes – from time to time the Minister will make the decision but this is very rare. In the national park the Director takes the decisions (Park staff member).

## **Resilience and adaptability**

**Overall achievement:** High level of performance with potential for improvements

**Recommended improvements:**

1. In conjunction with the strategic plan, develop and implement a risk management strategy.
2. Mount concerted action to assert the importance of the forthcoming Charter being consistent with current IUCN category designations within the Park.
3. Develop and implement a sustainable finance strategy and associated business plan for the Park.

*The governing body has processes to assimilate new knowledge, learn from experience, manage risk, and enable adaptive planning and management*

**Achievement:** Very high

**Evidence:** *Parc National des Pyrénées* (2004a, 2004b, 2007), website (www.parc-pyrenees.com), interviews with parks staff and office-bearers

The Park has well-developed partnerships with knowledge providers, including scientists, NGOs and local experts. *Parc National des Pyrénées* also commissions and/or participates in social, cultural and biophysical research and monitoring. The following examples are indicative of the initiatives taking place:

We work with the Botanical Conservatory of Pyrénées which put in place an entire network of data providers including locals; for the fauna it's not going as well, we have data providers including locals but we need to improve the collection and the diffusion of these data to the locals; there are sometimes problems of validation of the data collected by local people. But systems for collecting data regarding

bears and birds, including records supplied by a network of local people, are well developed and are working well (Park staff member).

We are working with an agency (with experts) from outside the area, including sociologists so that we have some independent perspectives to help us identify what goes to make up the particular character of the Pyrénées National Park and to support the strong cultural identity of the Park (Park staff member).

*Parcs Nationaux de France* provides research and information support to the Park, and is funding a project on the evolution of national parks governance in France. As with *Parc National des Pyrénées*, there are also strategies in place to link knowledge generation with improved governance and management outcomes:

We will have in a few months a book explaining the history of implementation of national parks, based on interviews with sociologists and historians regarding the development of awareness of local people about nature conservation and parks and we have exchanges about that so that in the future we can have better charters based on understandings coming out of this work (Parks staff member).

Consideration of risk is an implicit element of the Park's strategic planning, and in partnership with several other parks, work is underway to establish a climate change research program that will become the basis for a response strategy. However, there may be risks that remain unidentified or whose significance is under-appreciated – there are no 'fail-safe' processes for risk identification and mitigation.

The strategic and operational plans together with annual reports that include identification of progress against quantitative performance indicators provide a strong foundation for adaptive governance and management. Nonetheless, a comprehensive and measurable set of indicators is an ongoing project, and for some topics more work is required:

Evaluation of results is very difficult – we can get a general indication of where we are heading but lack specific indicators of progress. With respect to the main mission of the park – biodiversity protection – we can monitor changes in flora, but we are less able to track changes in fauna populations. ... For example, a reintroduction program is currently being considered for bears, but getting the information to justify the reintroduction program is difficult. In general, evaluation is difficult, but overall we are heading in the right direction according to the park mission (Park staff member).

We have thousands of records in our databases, but the way the data are recorded and stored could be improved - for example some data need to be digitised and spatially referenced. We also need better methods to extract and employ the data and make them more useful for decision-makers and the public. We need to develop a better knowledge management system. We are struggling to get our information into a GIS system, as the data have varying levels of accuracy and reliability (Park staff member).

Such observations are used by *Parc National des Pyrénées* managers as stimulus to improve performance. The organisation has a strong capability for knowledge generation and use; effective processes and instruments to set direction, monitor progress and evaluate performance; and a well-developed learning culture that is committed to continuous improvement.

*The governing body has the flexibility to rearrange its internal processes and procedures in response to changing internal or external conditions*

**Achievement:** Very high

**Evidence:** *Code de l'environnement*, website ([www.parc-pyrenees.com](http://www.parc-pyrenees.com)), interviews with Park staff and office-bearers

The 2006 legislative reforms established a new governance structure for the Park. While matters such as composition of the Board, role of the President and Director are fixed, and could only be changed by higher-level amendments to the *Code*, the level of autonomy granted to *Parc National des Pyrénées* supports a relatively rapid response capability, as well as the opportunity to design internal procedures and processes to suit local circumstances. The governance model therefore seems to provide for upward accountability and consistency with national policy, while allowing for local flexibility in how these requirements are met. This supposition is supported by Park managers:

To adapt to rules there is a lot of flexibility – we can react very quickly – politically there is a lot of flexibility (Park staff member).

*Formal instruments or mechanisms provide long-term security, tenure and purpose for the protected area*

**Achievement:** Moderate

**Evidence:** *Code de l'environnement*, interviews with Park staff and office-bearers

The *Code de l'environnement* and the European Habitat Directive provide secure and potentially long-term direction for the Park as a whole and the Natura 2000 sites within it. The power of the *Conseil Scientifique* to veto or recommend modifications to uses and developments within the core zone is also an important control mechanism. However, the *Code* allows for a wide margin of local interpretation. While this is an advantage in terms of local flexibility and autonomy, there is no clear guarantee that ensures the Park is and will be managed in a manner consistent with the relevant IUCN category guidelines. Of course the guidelines themselves are subject to review and amendment over time, so that there is no fixed long-term prescription for the constitution of protected area categories. Nonetheless, biodiversity conservation is and will remain the primary and over-riding purpose of all meaningful and internationally-recognised protected areas. The extent to which the forthcoming Charter will explicitly secure this purpose throughout the Park in the face of local use and development pressures, or be consistent with the guidelines as they relate to the currently identified Category II, IV and V areas within the Park, is uncertain. In particular the Charter:

will not have the power to enforce change in the *zone d'adhésion* – it will be a management guide that specifies how the various partners will work together. ... The part of the Charter that will deal with the *zone d'adhésion* will allow for local development, and pay particular attention to the ecological continuum across the boundary of the core and *zone d'adhésion*. But there will not be any sub-zones to protect particular features or values within the *zone d'adhésion* (Park staff member).

Long-term financial security is also a potential issue. While the current level of Government investment (approximately € million per annum) is regarded by management as broadly sufficient, each year's allocation is negotiated with the Ministry for Ecology according to a three-year contract. As a consequence:

It is hard to have a long-term plan given the uncertainty of future revenue. Although we have the power to raise money through fees we don't do this at the moment. We do not have park entry fees. We have a small amount of external funds for specific projects such as RDF regarding the French antelope and some help from the Midi-Pyrénées region as well for specific projects (Park staff member).

And furthermore:



The French Government budget is under huge pressure and we may well get less funding in the future ... We also have the problem that by 2011 we have to have our Charter signed by the communes ... the communes will then say to us 'how are you going to help us implement the Charter in the field'? Our fear is that if we don't have money we are in trouble. From one side you have the Government saying we have to write the Charter with all the objectives and so on, and on the other side, we have the communes saying why should we sign if you don't have any money to help us achieve what the Charter says. Presently we do not know. Maybe we will not be a national park by then. Across the border in Spain, they were a royal park, then a national park, now they are a regional park, in part because of finance and support issues (Park staff member).

These concerns indicate a potential vulnerability of the Park to financial pressures that are largely beyond the capacity of *Parc National des Pyrénées* to manage.

## 4. Conclusion

The main intent of this report has been to describe and employ a method for governance assessment that is theoretically robust, practical and reproducible. The *Parc National des Pyrénées* case study application of the assessment framework, associated principles and outcomes, has demonstrated that the approach is comprehensive, effective and practicable. Data has also been collected for another four case studies, and these are currently being written-up.

The results presented in the report are broadly indicative of governance quality in the *Parc National des Pyrénées*, but should not be considered definitive. While park staff and president were well covered by the interviews, no board members, stakeholders or central government officials were interviewed. Caution should therefore be exercised in use of the results. In future assessments a more extended interview period is desirable, and a greater number of representatives from each group of actors should be consulted.

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