

Governing TBCAs

TBCAs usually require both high-level commitment and a devolution of power

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Noisy: Effective TBCAs need stakeholder participation mechanisms that enable all voices to be heard. *Photo: W. Cluny*

What does governance mean in the management of transboundary conservation areas (TBCAs)? It goes beyond the signing of protocols between national governments. The temptation may be to think that the process ends at the signing of the protocol, as if the ‘problem’ has been solved. Formal protocols tend to follow a top-down approach and are insensitive to local strategies—so they are not the ultimate solution to the problems of TBCAs. Effective governance must consider the exercise of power at all relevant levels of authority so that the process leads to consensus decision-making and sustainability.

Transboundary conservation is all about the challenge of collaboration. Usually, a TBCA comprises contiguous areas in two or more countries that are set aside for conservation. But there are also more complex situations where the areas are not contiguous¹ and are in a very variegated landscape²—consisting of a mosaic of protected areas, timber concessions and community-owned areas, for example. The set of institutional responsibilities can also be highly complex, with a fragmentation of authority both geographically but also by tenure, land use and political jurisdiction. The challenge is to build a governance system that transcends political boundaries (international) and institutional boundaries (internal) by creating conditions for collaboration between countries and public and private actors within countries. Sometimes there are more problems to solve internally than between the partners of the transboundary conservation initiative.

Drivers of change

Change in the governance of borderlands may have many drivers, which may be direct or indirect. Indirect drivers

may include a desire to increase political stability in the area, resolve border disputes, increase economic integration and improve cross-border transport infrastructure. Demographic concerns may also be driving changes in governance. Direct drivers can include international and regional treaties and other agreements, changes in land use, illegal cross-border activities, climate change and refugee crises. While the contexts are very diverse, the key issues tend to be similar: threats to biodiversity, weak institutional capacities, varying degrees of political will, limited stakeholder participation, and poverty.

Once a decision has been made to initiate a TBCA process, its governance must be developed with a view to addressing the issues in a way that best suits the local context.

The four pillars of governance

There is no single blueprint for the effective governance of TBCAs, but any process must be built on the following four pillars:

1. *Political will*—from national and sub-national governments.
2. *A political vision*—to address transboundary issues of shared interest through the coordination of policies, institutions and management.
3. *Joint structures and synergies*—with clear mandates at national levels, inter-institutional coordination, and stakeholder participation mechanisms that include Indigenous Peoples, local communities and municipal authorities.
4. *A mixture of financing mechanisms*—funding from national budgets, private, bilateral and multilateral donors, and the private sector, wherever feasible.

¹ An example is the protected areas of the Emerald Triangle between Cambodia, Laos and Thailand (see page 20).

² An example is the TRIDOM landscape in Central Africa (see page 11).

To these four, a fifth may be added related to the need to strengthen capacities in government institutions and among stakeholder groups at all levels.

Pillar 1: political will

Symbols like the inauguration of TBCA initiatives by high-level authorities can provide enduring support. A recent example of such a symbol was the official launching of the joint 'Trans-boundary Peace Park' project in May 2009 by the presidents of Liberia and Sierra Leone (BirdLife International 2009). That single gesture takes the process half-way to success because the rest of the process can follow in the knowledge that there is high-level support.



Banded: Green broadbill, captured for banding in the Lanjak-Entimau Wildlife Sanctuary. Photo: W. Cluny

There are varying levels of intensity of collaboration. At one extreme is low cooperation, which may involve donor funding, information-sharing and some level of coordinated implementation. At the other extreme, full cooperation may involve bilateral or trilateral agreements, joint TBCA institutions, joint management and implementation, and financial independence. In between, these two extremes are all kinds of possibilities (see figure).

Often, an obstacle to the implementation of a TBCA is the hesitancy of states to give power to non-state actors, thinking that they will influence decisions on natural resource use. Most countries have a strong sense of sovereignty and will resist devolving power and territory to ethnic groups spanning international borders, and they may also resist the involvement of non-governmental organizations.

Another obstacle may be differences in the extent of political will. One party, for example, may suspect that a richer or more powerful neighbour has a hidden agenda in promoting a TBCA development initiative. The suspicion may be 'do they want to push the border'? We have seen this in Central Africa.

Other obstacles may relate to the natural resources, such as petroleum, gas or minerals, that exist (or may exist) in the TBCA, and tensions between local communities and logging concessionaires or miners. Overcoming such obstacles may require a governance process that starts without formal agreements and uses other, more informal ways to build up trust until full institutionalization is reached.

The TBCA development cooperation continuum



Pillar 2: a common vision

TBCAs are usually designed to conserve biodiversity and natural heritage and to promote sustainable development across borders. Other reasons may be to reduce tensions from past conflicts and to improve forest law enforcement. A diversity of reasons for a TBCA is not a scattering of the vision but a reinforcement of it. The important thing is that these justifications of a TBCA are shared by all stakeholders.

Peace-building comprises 'actions to identify and support structures which tend to strengthen and solidify peace in order to avoid relapse into conflict.' The development of a TBCA may be one such action. In post-conflict situations, TBCA governance approaches may deal with:

- peace-building objectives and outcomes and the monitoring of these
- grievances related to rights of access to resources by local people
- participatory democracy in the management of the TBCA.

TBCAs can assist forest law enforcement by helping to monitor and control what is passing through, smuggled or cut in the area. Obstacles include different approaches to the export of unprocessed logs (it may be banned in one country but not another), which can lead to log laundering; the liberalization of hunting weapons in one country and not in its neighbour; and the classification of a species as totally protected in one country but not in the other.

Some of these inconsistencies can be addressed at the sub-regional level. In Central Africa, for example, the COMIFAC treaty is a sub-regional illustration of responsible sovereignty over natural resource governance. This treaty has become a springboard for new important TBCA governance and forest law enforcement initiatives. Examples of this are the TRIDOM agreement between Cameroon, Gabon and the Republic of Congo to protect 14.6 million hectares of forests, the equivalent of 7.5% of the entire Congo Basin; and a separate trilateral agreement between Cameroon, the Central African Republic and Congo concerning the Sangha Tri-National Conservation Area. These Agreements on TBCAs allow park staff between the three countries to work across international borders to counter illegal logging and poaching.

Pillar 3: Joint structures and synergies

The management of TBCAs takes place at various levels. At the sub-regional level there may be ministerial or heads-of-government agreements, visions and agendas. At the transboundary level, there may be bi-(or tri-)national environmental commissions, project steering committees, exchange visits and joint reviews. At the national level there may be institutional coordination mechanisms and consultative committees. At the local level, new institutions may be established, such as primary beneficiaries' fora, and on-the-ground activities, transboundary exchange visits and local-level law enforcement may be carried out.

The CBD's new strategy

The Convention on Biological Diversity has a new strategic plan that emphasises connectivity at the landscape scale

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Global Biodiversity Outlook 3 (GBO-3), this year's flagship publication of the Convention on Biological Diversity (CBD), confirms that the world has failed to meet its target of achieving a significant reduction in the rate of biodiversity loss by 2010. It also warns that, unless urgent and concerted actions are taken, massive further loss of biodiversity is becoming increasingly likely and that such a loss would severely reduce many services that are essential to human societies.

In addition to its overall assessment of the 2010 target, GBO-3 identifies potential global-scale ecological 'tipping points', where ecosystems shift to alternative, less productive states from which it may be difficult or impossible to recover. The projected Amazonian dieback tipping point, for example, is a threshold level of deforestation at which the Amazon forest could collapse due to interactions between climate change, deforestation and fire. Similar large-scale tipping points with potentially devastating consequences for human well-being exist for freshwater, coral and island ecosystems, among others. Such dangerous biodiversity loss must be avoided, and the cost of inaction will be far greater in the medium to long term than the immediate investments needed to safeguard biodiversity.

Building on the findings of GBO-3, a new strategic plan for the CBD was adopted at the tenth meeting of the Conference of the Parties (COP 10) held in Nagoya, Japan, in October 2010. The new strategic plan, which covers the period 2011–20, is based on the understanding that a more comprehensive policy response to the biodiversity crisis is needed, which should address underlying causes of biodiversity loss, such as consumption patterns, and focus on the value of ecosystem services for human well-being.

The key needs reflected in the new strategic plan are:

- greater efficiency in the use of land, energy and fresh water to meet growing demand
- the use of market incentives and the avoidance of perverse subsidies



Tipping point? A combination of climate change, deforestation and fire could lead to the collapse of the Amazon forest, including this flooded forest on the Rio Negro.

Photo: FAO/FFS CFU000106/R. Faidutti

- strategic planning
- the restoration of ecosystems
- the equitable sharing of benefits from the use of and access to genetic resources and associated traditional knowledge
- support for and facilitation of local action
- communication, education and awareness-raising.

Forests, as home to an estimated two-thirds of all terrestrial species and a major source of essential ecosystem services, will be particularly important in fulfilling the mission of the new strategic plan. The overall mission of the strategic plan is to "take effective and urgent action to halt the loss of biodiversity in order to ensure that by 2020 ecosystems are resilient and continue to provide essential services, thereby securing the planet's variety of life, and contributing to human well-being, and poverty eradication".

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Most of the time, governance structures at the transboundary level hijack power from the lower, more local levels. Such power imbalances are one of the major problems in the implementation of TBCAs because the weak involvement of local levels of authority reduces their ownership of the TBCA process. In addition, the 'projectization' of TBCAs weakens their sustainability unless measures are introduced to transition from projects towards a longer-term approach that addresses financial sustainability (the fourth pillar of TBCAs).

Conclusion

TBCA governance processes are essentially political and their success depends largely on the political climate between the parties concerned. Moreover, the physical, institutional, economic and social contexts vary widely. Thus, there are no blueprints for the establishment of effective TBCA governance.

For success, the focus of TBCA governance processes should be on issues of shared interest. In the future, TBCA governance should be re-imagined to give sufficient role to non-state actors and to devolve an adequate share of power to local levels.

Reference

BirdLife International (2009). *Trans-boundary rainforest park will be a symbol of peace and stability* (available at http://www.birdlife.org/news/news/2009/05/peace_park_west_africa.html).