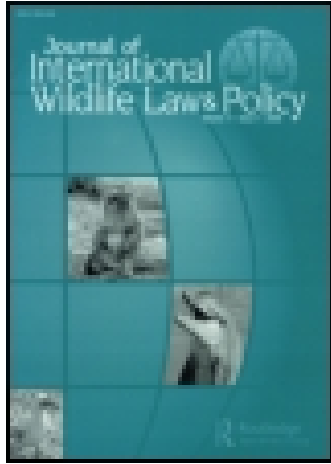


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Journal of International Wildlife Law & Policy

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/uwlp20>

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Published online: 12 Aug 2010.

To cite this article: Jeffrey A. Langholz & Wolf Krug (2004) NEW FORMS OF BIODIVERSITY GOVERNANCE: NON-STATE ACTORS AND THE PRIVATE PROTECTED AREA ACTION PLAN, *Journal of International Wildlife Law & Policy*, 7:1-2, 9-29, DOI: [10.1080/13880290490480112](https://doi.org/10.1080/13880290490480112)

To link to this article: <http://dx.doi.org/10.1080/13880290490480112>

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NEW FORMS OF BIODIVERSITY GOVERNANCE: NON-STATE ACTORS AND THE PRIVATE PROTECTED AREA ACTION PLAN

Jeffrey A. Langholz*
Wolf Krug⁺

1. INTRODUCTION

Governments have long been the principal agents in the creation of protected areas in most parts of the world. The quality of the protection actually provided, however, has been inadequate in many countries. Indeed, some parks and other protected areas exist only on paper.¹ Even if publicly owned parks were well protected, the overwhelming majority of the earth's land area and biodiversity would still lack effective protection,² because they lie outside the boundaries of designated protected areas. Given ongoing habitat destruction, especially in the tropics, there is much to be gained from developing additional approaches to *in situ* biodiversity protection, approaches that do not make the international conservation community as dependent as it has been in the past on government initiatives.

Privately owned protected areas have emerged as one option and are proliferating throughout much of the world. Little is known about them, however. A few case studies highlighting various aspects of specific preserves have been completed, and there have been attempts to conduct international mail surveys to collect data about private parks' activities, problems, profitability, and other attributes. Other studies have verified the private sector's increasing role in biodiversity conservation.³ The professional literature has really not come to grips, however, with this important development in protected area

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¹ MAKING PARKS WORK: STRATEGIES FOR PRESERVING TROPICAL NATURE 5 (John Terborgh *et al.* eds., 2002).

² UNITED NATIONS ENVIRONMENT PROGRAM, GLOBAL ENVIRONMENT OUTLOOK (2003). Table showing global protected area coverage also available at: <http://www.unep.org/GEO/yearbook/107.htm>

³ VICTORIA EDWARDS, DEALING IN DIVERSITY: AMERICA'S MARKET FOR NATURE CONSERVATION 58 (1995).

management, the dimensions of which were modest a decade ago but which now promise to constitute a major innovation.

We think it is time for a systematic examination of private protected areas to begin, not least by assessing the significance of the contribution they can make within a larger conservation policy context where public resources for conservation are limited and, in many parts of the world, likely to remain so. We take a first step along this road by reviewing here what is known about privately owned protected areas worldwide, with special reference to the Private Protected Area Action Plan developed at the recent Fifth World Parks Congress in Durban.

This article has three specific objectives. One is to discuss the emergence of private protected areas as a conservation tool. A second is to summarize the current state of our knowledge about the various types of private protected areas, including their key strengths and weaknesses. A third is to describe the work of the Durban Congress. We think the resulting analysis will be of interest wherever biodiversity remains threatened, wherever new conservation partners are being sought, and wherever private protected areas are being established, which is to say pretty much everywhere.

2. THE RISE OF MODERN PRIVATE PROTECTED AREAS

Privately owned protected areas have existed in various forms for centuries.⁴ From a contemporary perspective, the first notable reference to them occurred more than forty years ago, when the first World Congress on National Parks acknowledged that many nature reserves throughout the world are “owned by private individuals, but are nevertheless dedicated in perpetuity to the conservation of wildlife and of natural resources.”⁵ Since then, the private park niche has expanded rapidly. This growth remains largely undocumented, with little systematic and reliable data available on the location and number of privately owned parks. The World Conservation Monitoring Centre (WCMC) is the global organization responsible for tracking protected natural areas, but to date it has lacked sufficient resources to catalog private parks. The most recent United Nations list of the world’s protected areas did not include privately owned parks. It did, however, briefly acknowledge that they are significant for their high-quality management and protection, and that they may become increasingly important in tropical countries, where state resources are especially limited.

Anecdotal evidence suggests that private parks number in the thousands and that their numbers are growing rapidly. Preliminary data also suggest

⁴ Claudia Alderman, *The Economics and Role of Privately Owned Lands Used for Nature Tourism, Education, and Conservation*, in *PROTECTED AREA ECONOMICS AND POLICY: LINKING CONSERVATION AND SUSTAINABLE DEVELOPMENT 273* (Mohan Munasinghe and Jeffrey McNeely, eds., 1994).

⁵ *FIRST WORLD CONFERENCE ON PARKS 379* (Alexander Adams, ed., 1962).

that the amount of land they protect is substantial. Alderman, for example, estimates that the 63 Latin American and sub-Saharan private reserves in her study protect approximately one million hectares.⁶ Langholz estimates that private reserves in Costa Rica cover 63,832 hectares, an area equivalent to 1.2% of the national territory or four and a half median-sized Costa Rican national parks.⁷ Krug concludes that a minimum of 14 million hectares of private land in southern Africa are under some form of wildlife protection or sustainable wildlife utilization.⁸

Calculating the exact total number of private parks worldwide would require a common definition that currently does not exist. One definition describes private protected areas as “any lands of more than 20 hectares that are intentionally maintained in a mostly natural state and are not government owned.”⁹ Like publicly protected areas, these lands vary dramatically in size and uses and go by myriad labels ranging from preserves, reserves, and conservancies to parks and protected areas.

Private parks continue to thrive and proliferate both in the developing world and in industrialized countries. In Africa, for example, a large nature tourism potential and a long history of game ranches have provided fertile ground for private reserves. Southern Africa alone hosts several hundred private parks, some of them covering more than 100,000 hectares. Private parks are also expanding in Latin America.¹⁰ Colombia, in particular, has a well-organized network of more than one hundred private reserve owners. Commenting on this network, the World Wildlife Fund notes, “the expansion of private reserves in Colombia provides an alternative to the government’s insufficient management of natural lands and resources. The private approach to conservation increases the total area of protected lands and, more importantly, directly involves citizens as stewards of their country’s own natural resources for the future.”¹¹ Likewise, Brazil has more than a hundred private reserves and a government incentive program to support them. Chile has a policy to promote

⁶ Alderman, *supra* note 4, at 281.

⁷ Jeff Langholz, *Privately Owned Parks*, in *MAKING PARKS WORK: STRATEGIES FOR PRESERVING TROPICAL NATURE* 172, 180–81 (John Terborgh *et al.*, eds., 2002).

⁸ Wolf Krug, *PRIVATE SUPPLY OF PROTECTED LAND IN SOUTHERN AFRICA: A REVIEW OF MARKETS, APPROACHES, AND ISSUES* 36 (2001).

⁹ Jeff Langholz & James Lassoie, *Perils and Promise of Privately Owned Protected Areas*, 51 *BIOSCIENCE* 1079, 1080 (2001). As noted in Appendix 1 *infra*, participants at the Durban WPC developed and approved a new definition: “A private protected area (PPA) refers to a land parcel of any size that is predominantly managed for biodiversity conservation, protected with or without formal government recognition, and is owned or otherwise secured by individuals, communities, corporations or non government organisations.”

¹⁰ ENVIRONMENTAL LAW INSTITUTE, *LEGAL TOOLS AND INCENTIVES FOR PRIVATE LANDS CONSERVATION IN LATIN AMERICA: BUILDING MODELS FOR SUCCESS* (2003).

¹¹ World Wildlife Fund, *The Network of Private Nature Reserves: Strengthening Private Efforts in Conservation and Management of Natural Lands and Resources (Project Profile)*, 1, 2 (1997).

private parks and is home to Pumalin, the world's largest private park (270,000 hectares). Private reserves were on the agenda at a recent international conference on Latin American protected areas, and they have been the topic of four special conferences devoted exclusively to their rapidly expanding role in the region.¹²

Among industrialized countries, the United Kingdom has a long history of conservation on private lands. Notable examples include the National Trust and the Royal Society for the Protection of Birds, both of which have extensive networks of small protected areas. Likewise, Australia has a strong interest in private reserves, involving organizations such as the Australian Bush Heritage Fund and the Australian Koala Fund. In the United States, The Nature Conservancy has a system of more than 1,300 reserves protecting well over half a million hectares.¹³ They safeguard 1,725 rare species and communities and range in size from 1.3 to 130,000 hectares. Together they comprise the largest private nature reserve system in the world. Nonprofit land trusts also protect large amounts of land, often through conservation easements if not through outright purchase. In the western United States, a long tradition of creating hunting reserves is now being extended to include reserves devoted to wildlife viewing.¹⁴

There is no accepted explanation of what motivates all of this private conservation activity. We suggest that three closely related factors are probably driving the private reserve boom. The first is government failure and stems from the public sector's unwillingness or inability to meet society's demand for nature conservation. As noted earlier, government parks have proven inadequate in terms of quantity and quality of protection, especially in the tropics. Worse, many developing countries are deeply in debt, and are decreasing rather than increasing funding for parks. The second factor is rising societal interest in biodiversity conservation, clearly evident at the Rio Summit in 1992, growing since then, and represented by the Convention on Biological Diversity.¹⁵ The ongoing and explosive growth of ecotourism represents a third and final factor that is probably driving private park proliferation. Ecotourism is the fastest growing segment of the larger tourism economy, generally regarded as the world's largest industry. Various authors have discussed its uneasy relationship to biodiversity conservation, including its role as impetus for private conservation efforts.¹⁶

¹² The VIth InterAmerican Congress on Private Conservation occurred in April 2004 in Santiago, Chile, hosted by the Comité Nacional pro Defensa de la Fauna y Flora (CODEFF), <http://www.codeff.cl/>

¹³ <http://nature.org/>

¹⁴ EDWARDS, *supra* note 3, at 99.

¹⁵ SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, HANDBOOK OF THE CONVENTION ON BIOLOGICAL DIVERSITY (2001).

¹⁶ KATRINA BRANDON, ECOTOURISM AND CONSERVATION: A REVIEW OF KEY ISSUES (1996).

3. THE DIVERSIFICATION OF PRIVATE PROTECTED AREAS

Privately owned protected areas vary dramatically in size and scope and no single model is followed in creating them. They fill a wide variety of conservation niches. Table 1 contains a suggested classification system for private parks, loosely based on the World Conservation Union's (IUCN) existing typology for publicly owned protected areas.¹⁷ The categories illustrate the immense diversity among private reserves but also provide a clearer picture of the private conservation sector.

Clearly, a broad range of private reserve types exists, representing numerous ownership structures and management objectives. Although the categories are not mutually exclusive, the table provides a general framework for understanding private park diversity and equips policymakers with the sorts of information they need to take greater advantage of the private conservation sector. Additional categories will no doubt emerge as private parks continue their evolution.

4. STRENGTHS AND WEAKNESSES OF THE PRIVATE PARK MODEL

Like all approaches to conservation, private parks offer advantages and disadvantages. Given the diversity of private parks previously described, generalizations are problematic. Nevertheless, the private conservation sector has reached a stage of maturity where some general patterns are emerging. We explore the strengths and weaknesses evident across most manifestations of the private park model in order to cast some light on the overall potentials and pitfalls of this emerging but little understood conservation approach.

4.1 Ecological

A key strength of private reserves is their protection of biodiversity. Many of them protect rare or threatened species.¹⁸ Others protect habitats underrepresented in a country's public system of parks and other protected areas, or they protect lands under heavy development pressure. Some reserves are, in effect, biological islands, protecting the last remnants of rapidly disappearing habitat. Finally, private ownership frequently is a precursor to public protection. Private parks can serve as temporary way stations for threatened lands, protecting them until governments become willing or able to assume responsibility for protection. A private land conservancy, for example, protected a large tract of rare habitat in the central United States until the Tallgrass Prairie National Preserve Act of 1994 made it a unit of the national park system.

¹⁷ Langholz & Lassoie, *supra* note 9, at 1082.

¹⁸ WOLF KRÜG, MAXIMIZING SUSTAINABLE NATIONAL BENEFITS FROM NATURE TOURISM IN NAMIBIA (2002).

TABLE 1. Types of Privately Owned Protected Areas Worldwide.

Category (Type)	Management Objective	Example
Formal park (Type I)	Protect nature, as a formally recognized unit in a national protected area system. Must be legally gazetted through legislation or executive decree. Includes monitoring and evaluation by government.	More than two dozen "private wildlife refuges" have qualified to be legally recognized units in Costa Rica's protected area system.
Program participant (Type II)	Participant in a formal, voluntary incentive program designed to promote biodiversity conservation on private lands. Programs include restrictions on land use and are not as formal as Type I. Includes easements and payments for environmental services.	The Natural Heritage Program in the Republic of South Africa has registered more than 150 sites, protecting 216,332 hectares. Majority of these natural areas owned by private individuals.
Ecotourism reserve (Type III)	Combine nature conservation with tourism. Tourism is a principal revenue generator and takes place on part or all of the landholdings.	Tambopata Jungle Lodge (Peru) sits within the 6,000-square kilometer Tambopata[Candamo Reserve Zone and has capacity to host 6,000 tourists per year.
Biological station (Type IV)	Combine nature conservation with scientific research. Reserve serves as outdoor laboratory. May incorporate scientific and other forms of tourism, as well as education. Differ from NGO reserves (Type VIII) in that their primary mission is research.	The Jatun Sacha Biological Station protects 2000 hectares of forest in Ecuador's Napo Province, while conducting rain forest research, hosting university field courses, and offering natural history tours.
Hybrid reserve (Type V)	Protect nature as one component of a diverse land use strategy. Usually large ranches that combine agriculture, forestry, or cattle production, with reserve providing watershed protection and other amenities.	The 80,000-hectare Hato Pintero is a family-based operation in Venezuela that combines biodiversity conservation, nature tourism, and cattle ranching.
Farmer-owned forest patch (Type VI)	Safeguard water sources and other locally accruing environmental services, at the individual or family level. Usually informal, small (<20 hectares), and not involved in tourism industry. Represent the least formal type of private conservation area.	Largest category of reserves in terms of amount of land protected and number of owners. Also the category about which the least is known, making it a crucial area for future research. Thousands, perhaps millions, of these patches exist worldwide.
Personal retreat reserve (Type VII)	Maintain a natural area as a personal haven, at the individual or family level. Frequently owned by urbanites who purchase or inherit land in a rural area and who are not reliant on the reserve for income generation.	Sixty percent of the Adirondack State Park in New York consists of private property, much of it owned by urbanites who use the area for second homes and summer retreats.
Nongovernmental organization reserve (Type VIII)	Protect nature under the auspices of a local, national, or international nonprofit conservation organization. Base of support is broader than that of most other reserve types. Includes land trusts, conservancies, foundations, and associations.	Schoolchildren around the world raised money to create The Children's Rainforest to protect threatened habitat in Costa Rica. With 22,000 hectares, the park is currently larger than 18 of Costa Rica's 22 national parks, and continues to grow.
Hunting reserve (Type IX)	Maintain natural area for purpose of sustainable wildlife utilization. Animals are collected for trophies and/or meat production. Include game ranches and lands owned by hunting clubs. Especially common in Africa.	The Republic of South Africa currently has more than 9,000 game ranches protecting 8 million hectares. Habitat required for economically important umbrella species also supports nongame biodiversity.
Corporate reserve (Type X)	Protect nature as a tool for creating favorable publicity, as result of court order, or from a conservation ethic. Owned by private for-profit corporations (such as golf courses, paper companies, educational institutions). Often better managed than similar areas in government hands (Barborak 1995).	Developing country examples usually owned by large multinational corporations, including the forestry industry. Examples include Danum Valley (43,800 hectares) and Maliau Basin (39,000 hectares) in Sabah, East Malaysia.

Jeff Langholz & James Lassoie, *Perils and Promise of Privately Owned Protected Areas*, 51 *BioSCIENCE* 1082 (2001).

A principal disadvantage of private reserves from an ecological point of view is their potentially tenuous status. Even though some private protected areas in southern Africa and elsewhere have legally binding charters that focus on long-term conservation, most private protected areas are informally protected.¹⁹ Since they lack legislative authorization and have no prospect of ongoing public support, private protected areas are bound to be marked by a sense of impermanence. This is compounded by their typically small size. While they can be quite large, most lack sufficient area to protect megafauna adequately. One study showed thirty percent of private reserves in Latin America to be less than 200 hectares.²⁰ Another showed that seventy-five percent of private reserves in Latin America protect less than 2,500 hectares each.²¹ Both studies concluded that African reserves were much larger than their Latin American counterparts, with one estimating the average size of African reserves to be 11,436 hectares.²² Despite this larger size, even African private reserves are small compared to public parks and the spatial needs of large species.

The fact that many private reserves are adjacent to larger public parks somewhat mitigates the effects of their small size. Nearly half (46%) of the Latin American and African reserves in Alderman's study of private reserves bordered a national park or other protected area designated by the government.²³ La Planada in Colombia, for example, owns only 1,200 hectares but is located directly adjacent to a 2,000 hectare government forestry reserve and is also contiguous to a 100,000 hectare forested area proposed as a United Nations biosphere reserve. Also, the primary ecological function of several reserves is to provide habitat for migratory birds, whose requirements are temporary and small. An example is the 390 hectare La Ensenada Wildlife Refuge in Costa Rica, which is a transitory home to an endangered migrant known as the Jabiru stork (*Jabiru mycteria*).

In South Africa and Namibia, collaborative nature reserves are common. A collaborative nature reserve is an area where adjoining landowners have pooled resources to increase the effective size of protected areas. Individual ownership within the reserves is still retained, but all the units are effectively managed as a single entity. Such collaborative reserves in Africa typically protect over 100,000 hectares each. Finally, large individual private parks exist, although they are rare. Examples include the 80,000 hectare Hato Pinero in Venezuela, the 270,000 hectare Pumalin in Chile, and several reserves

¹⁹ Jeff Langholz, James Lassoie, & John Schelhas, *Incentives for Biodiversity Conservation: Lessons from Costa Rica's Private Wildlife Refuge Program*, 14 CONSERVATION BIOLOGY 1735, 1741–42.

²⁰ ALDERMAN, *supra* note 4, at 281.

²¹ Jeff Langholz, *Economics, Objectives, and Success of Private Nature Reserves in Sub-Saharan Africa and Latin America*, 10 CONSERVATION BIOLOGY 271, 276 (1996).

²² *Id.* at 276.

²³ ALDERMAN, *supra* note 4, at 279.

of over 100,000 hectares in Brazil. In southern Africa, NamibRand Nature Reserve protects 175,000 hectares in Namibia, the Save Valley Conservancy covers some 326,000 hectares in Zimbabwe, and the collaborative nature reserves of Sabi Sands, Timbavati, and Klaserie protect 185,000 hectares in South Africa, directly adjacent to Kruger National Park.

4.2 Economic

The most appealing economic attribute of private reserves is their potential profitability. Private management structures can be particularly effective in capturing the economic values of biodiversity, thereby making conservation a financially competitive land use. Especially when used for ecotourism or sustainable wildlife uses, reserves represent a livelihood strategy that can have both economic and ecological viability. Estimates are that in Ecotourism Reserves (Type III reserves in Table 1, above) in Latin America and sub-Saharan Africa, profitability is attained in somewhere between thirty-eight percent²⁴ and fifty-nine percent²⁵ of reserves.

Economic benefits accrue not just to landowners, but also to governments in the form of avoided costs. Privately owned parks represent free augmentation of public protected area systems—lands which governments might otherwise need to purchase and protect. While the total economic benefit provided by private reserves to governments and to society has yet to be calculated, it is no doubt considerable.

The frequent dependence of private reserves on ecotourism for viability can, however, be a major weakness. Although tourism grew very appreciably overall in the last two decades, it is an industry vulnerable to wide fluctuations. Peruvian reserves, for example, suffered a seventy-five percent countrywide drop in tourism between 1988 and 1992, when mounting terrorism kept visitors away. Despite such fluctuations, many reserves throughout the world remain completely dependent on ecotourism revenues for their survival, and evidence suggests that this dependence on ecotourism may be rising. Terrorism, political unrest, natural disasters, and other factors expose the tenuous security of some private reserves and can represent real limits to the private sector approach.

A more insidious shortcoming is the potential conflict of interest between ecology and economics. The reserve owners dependent on tourism may be tempted to degrade resources rather than protect them. This can take many forms, including the keeping of captive animals on reserves. An ecotourism reserve situated high in Costa Rica's Talamanca Mountains, for example, keeps a wild caiman (*Caiman crocodilus*) on site, far from its native habitat. The owners caught the caiman on a river delta along the Pacific coast and now keep it in a pit as a tourist attraction at their mountain retreat. Related problems

²⁴ ALDERMAN *supra* note 4, at 282.

²⁵ Langholz, Lassoie & Schelhas, *supra* note 19, at 273.

include excessive visitation by tourists at some reserves and inappropriate construction of cabins, roads, and other infrastructure within reserves. Reserve owners can also piggyback on a country or region's good conservation reputation, letting their own reserve habitat deteriorate overall and protecting only a small amount of land, such as might be required to stage a nature walk, for example. Clearly, ecotourism would benefit from outside monitoring and evaluation of its biodiversity impacts, and governments, in our view, should ensure that programs designed to support private parks include complementary efforts to ensure adequate oversight, not just for tourism impacts but for biodiversity protection in general.

4.3 Social

Privately owned parks overlap with two important social themes in conservation: devolution of resource control and public participation in resource decision making. In Colombia, for example, the surge in private reserves is closely linked to empowerment and represents for many a step toward the devolution of resource control to rural people. On the other hand, private reserves can also represent an extreme form of participation in protected area management, where the local residents who own reserves control decision making and there is no real or broader local participation in it.²⁶

Indeed, a major social pitfall of private parks is that they can become islands of elites—places where wealthy landowners host affluent tourists. To guard against this, it is essential that reserves develop meaningful links to surrounding communities, such as building schools, constructing roads, offering employment, and promoting environmental awareness. A second serious problem stems from the possibility that private parks will contribute to the concentration of land ownership by the wealthy. Such consolidation of large amounts of land into relatively few hands, and the concomitant lack of access to land by the rural poor, persist as intractable social problems across much of the developing world. Brinkate, for example, documented a case in which wealthy landowners in the Republic of South Africa were declaring their lands as conservation areas in order to avoid government land redistribution schemes.²⁷ A similar scenario may play out in other countries, where large landowners and conservation incentive programs co-exist and where private reserves may become flashpoints, when the broadly supported goals of social justice and biodiversity conservation are at odds.

A final social issue has to do with foreign ownership of private reserves. Alderman found a third of reserves in Africa to be exclusively foreign-owned,

²⁶ GRAZIA BORRINI-FEYERABEND, *COLLABORATIVE MANAGEMENT OF PROTECTED AREAS: TAILORING THE APPROACH TO THE CONTEXT* 17 (1996).

²⁷ Therese Brinkate, *People and parks: Implications for sustainable development in the Thukela Biosphere Reserve*. Presentation at The Sixth International Symposium on Society and Natural Resource Management. University Park: The Pennsylvania State University (1996).

with an additional seven percent jointly owned by nationals and foreigners. She also found that about a fifth of private reserves in Latin America were completely owned by foreigners, and another quarter were owned by partnerships involving foreigners.²⁸ The figures for Costa Rica mirror those for Latin America as a whole.²⁹ Even though the majority of private reserves in developing countries are owned by nationals, the large foreign presence is disturbing to those who consider that it represents an externally based land grab or a subtle form of neocolonialism.

5. PRIVATE PROTECTED AREAS AT THE WORLD PARKS CONGRESS

The organizers of the World Parks Congress (WPC) held in Durban decided early in 2003 that private protected areas warranted a focused discussion on the WPC agenda. Organizers placed the topic within the Governance Stream. The purpose of the Governance Stream was to review and assess a range of protected area governance types that exist throughout the world, including innovative approaches to governing individual protected areas and protected area systems. This included new ways of working together, particularly community-based and private sector conservation experiences outside the official protected area systems.

Within the Governance Stream, the Private Protected Areas session was structured with a specific goal in mind: “to build a shared understanding of, and vision for, privately owned protected area contributions to international conservation and development and to expand our understanding of protected areas owned by private landowners.” To accomplish this, a geographically balanced group of leading voices from the private conservation sector was assembled, representing government agencies, nongovernment organizations (NGOs), the academic community, and individual reserve owners.

More specifically, the goals were:

1. to expand our understanding of privately owned protected areas with respect to three pillars of sustainability: social and economic issues, legal and political issues, and ecological issues;
2. to document five specific things for each of the three thematic areas above, namely, (a) our current state of knowledge; (b) major obstacles and issues; (c) examples of best practices; (d) key information gaps; and (e) potential action items for inclusion in an Action Plan; and

²⁸ ALDERMAN, *supra* note 4, at 301.

²⁹ Jeff Langholz & James Lassoie, *Combining Conservation and Development on Private Lands: Lessons from Costa Rica* 3 ENVIRONMENT, DEVELOPMENT, AND SUSTAINABILITY 309, 316 (2002).

3. to develop a *Private Protected Area Action Plan* that would chart a course for continued expansion and improvement of protected areas owned by private landowners.

5.1 Session Methods and Structure

The working sessions were designed in a modular format, with related presentations and discussions of Action Plan components occurring within each session. For example, on the morning of the first day participants tackled a single major theme—ecological issues—from start to finish, with presentations accompanied by discussion of the relevant Action Plan components.

5.1.1 *Ecological Considerations of Private Protected Areas*

This half-day session focused on the biological and ecological aspects of private protected areas. For example, Penelope Figgis, Vice President of the Australian Conservation Foundation, gave a broad overview of Australia's privately owned protected areas and other biodiversity conservation mechanisms on private lands, with an analysis of the strengths of various models in securing long-term biodiversity conservation. Carlos Chacon demonstrated the key role private lands play as biological corridors and buffer zones between and around publicly protected areas in the Osa Peninsula and other regions of Costa Rica. His detailed maps clearly showed how private lands hold the key to connectivity among that country's publicly protected areas. A South African private reserve owner, Peter Anderson, discussed the private reserves along the western flank of Kruger National Park that have entered into a cooperative agreement with park officials whereby the fence separating the public and private protected areas has been removed, allowing animals to roam freely across the boundary.

5.1.2 *Private Governance: Legal and Political Issues*

Perhaps the most important factor determining the scope and direction of the private protected area sector is the legal environment in which it operates. Byron Swift, from the Environmental Law Institute, provided a detailed overview of the legal and policy foundation for private lands conservation in Latin America, including government capacity, incentives, disincentives, and enforcement. Other speakers provided overviews of legal and political factors in Eastern Europe, North America, and the Middle East, and how vastly different political landscapes affect evolution of private protected areas.

The most animated discussion of the entire workshop was sparked by an account of how the populations of many of Kenya's most endangered fauna have declined precipitously over the last decade. The situation is so dire in publicly protected natural areas that the largest populations of many endangered species now exist in privately owned protected areas. John Waithaka,

Director of the African Conservation Centre, and fellow Kenyan Sacha Cook, formerly of the Kenya Wildlife Center, painted a grim picture of Kenya's wildlife conservation outside protected areas. The good news, however, is that privately owned protected areas have emerged as important bastions in Kenya for protecting critically endangered wildlife populations. Even better, in some cases in Kenya indigenous people have organized private land conservancies to protect endangered species. The Samburu and Masai, in particular, have emerged as powerful and successful voices for private, communal, *in situ* conservation.

5.1.3 Social and Economic Issues Surrounding Private Protected Areas

Like their public counterparts, privately owned protected areas come in a wide variety of types and involve diverse groups of stakeholders. This session began with an overview of such ownership patterns and structures by Costa Rican Juan Jose Dada, who heads The Nature Conservancy's international private lands conservation program. The session also included a detailed analysis by Wolf Krug of private conservation in Southern Africa, including statistics on profitability and job creation in Botswana, Namibia, South Africa, and Zimbabwe. The final presentation, by James MacGregor of the International Institute for Environment and Development and formerly with the Namibian Ministry of Environment, integrated previous discussions by focusing on the proliferation of communally owned conservancies in Namibia.

In sum, the working sessions at Durban provided a rich overview of private protected areas and issues across the globe, while also serving as a springboard to the adoption of the first international Private Protected Area Action Plan.

5.2 Developing the Action Plan

The Private Protected Area Action Plan agreed upon at Durban is reproduced as Appendix 1, below. As is often the case, much of the negotiation and discussion took place in advance of the Congress. Organizers had created a small Drafting Committee to craft an initial version of the Action Plan. This group actually developed two versions—one that strongly reflected the sub-Saharan African perspective and another with a heavy Latin American focus—but by the time the Congress started, these were blended into the single version made available to participants throughout the Durban workshop.

5.3 Pulling It All Together

In retrospect, the Private Protected Areas working sessions at Durban were historic. For the first time, experts from more than thirty countries met to share ideas and experiences with this exciting yet still poorly understood

conservation tool. At one point it seemed possible that the full Congress might consider adding a formal recommendation on Private Protected Areas to its final report. Instead, the Congress decided to identify this topic as an Emerging Issue (see Appendix 1) and to work to get formal recommendations developed and adopted at major upcoming international fora where they would be binding on Members instead of merely hortatory. The plan worked. Parties to the U.N. Convention on Biological Diversity developed, for example, a program of work at COP-7 in Kuala Lumpur in February 2004 that includes several action items relating to private protected areas, including item 3.1.8, which calls upon Parties to “develop national incentive mechanisms and institutions and legislative frameworks to support the establishment of the full range of protected areas that achieve biodiversity conservation objectives including on private lands and private reserves where appropriate.”³⁰

6. THE FUTURE: BANGKOK AND BEYOND

The next logical step in international consideration of private protected areas is the adoption of a binding recommendation on this subject at the Third World Conservation Congress in Bangkok, 17–25 November, 2004. Here, IUCN members will have the opportunity to build on the momentum generated at the WPC and at CBD COP-7, hopefully galvanizing broad support for private protected areas and spurring concrete action to improve and expand them. Appendix 2 contains suggested language for a formal recommendation that might be adopted in Bangkok.

As with many conservation themes in the limelight in recent decades, private protected areas are no panacea for what ails the international conservation community, and we have not discussed them in that vein, here. They do represent, however, another option in the conservation toolbox. Like all tools, they are best used in situations that maximize their particular strengths while minimizing their weaknesses.³¹ As they become more popular, it will be increasingly important to monitor their successes and failings. A group of seven Latin American NGOs has already taken up this challenge by systematically evaluating the keys to “success” among land trusts and conservation easements in that region. The group is collecting similar data simultaneously across multiple sites in seven Latin American countries where conservation easements

³⁰ Protected Areas: Draft Decision Submitted by the Chair of Working Group 1 (20 Feb.). Seventh Ordinary Meeting of the Conference of the Parties to the Convention on Biological Diversity 9, 14, 16 (Kuala Lumpur, Malaysia. 9–20 February 2004).

³¹ Randall Kramer, Jeff Langholz, & Nick Salafsky. *The Role of the Private Sector in Protected Area Establishment and Management: A Conceptual Framework for Analyzing Effectiveness*, in MAKING PARKS WORK: STRATEGIES FOR PRESERVING TROPICAL NATURE 335, 337–38 (John Terborgh *et al.*, eds., 2002).

are now used as a policy and management tool.³² These data will help determine the conditions under which easements in Latin America are effective, and this, in turn, will help develop guiding principles for the improvement of this particular form of private conservation initiative, both in the countries studied and elsewhere in the region.

Researchers and practitioners desperately need additional “*learning portfolios*”: networks of projects that evaluate the use of a common conservation strategy and work together to learn about the conditions under which private conservation strategies work, and do not work, and why.³³ Such systematic evaluation represents our best hope for steering private protected areas and related conservation tools in ways that both protect biological integrity and safeguard human dignity over the long term.

Appendix 1

Vth World Parks Congress Emerging Issues [Excerpt includes *Private Protected Area Action Plan*]

STREAM 3: GOVERNANCE: NEW WAYS OF WORKING TOGETHER

5. PRIVATE PROTECTED AREAS

Privately owned protected areas continue their quiet proliferation throughout much of the world. Despite this expansion, little is known about them. Preliminary evidence suggests that private parks number in the thousands and protect several million hectares of biologically important habitat. They serve as increasingly important components of national conservation strategies. In a time when many governments are slowing the rate at which they establish new protected areas, the private conservation sector continues its rapid growth. Conservationists need to examine this trend closely, assessing its overall scope and direction, and determining ways to maximise its strengths while minimising its weaknesses.

In Eastern and Southern Africa, privately owned lands play a particularly important role in conserving critical biodiversity. Private protected areas in Southern Africa alone protect millions of ecologically important areas, especially in critical buffer zones and corridor areas.

Annex 1 (English only) at the end of this section contains what may be the world's first Private Protected Area Action Plan. The Action Plan summarizes

³² Jeff Langholz *et al.*, The Conventional Wisdom on Conservation Easements in Latin America. Unpublished report to the Tinker Foundation (2004).

³³ Nick Salafsky *et al.*, Improving the Practice of Conservation: A Conceptual Framework and Research Agenda for Conservation Science. 16 CONSERVATION BIOLOGY 1469, 1480–82 (2002). For more information on learning portfolios, please see www.fosonline.org

key aspects of the private protected area sector and suggested important next steps in the evolution of this promising conservation tool.

ANNEX 1. PRIVATE PROTECTED AREA ACTION PLAN

(13 September 2003)

WPC Governance Stream, Parallel Session 2.5

“Protected Areas Managed by Private Landowners”

Session leaders: Dr. Jeff Langholz & Dr. Wolf Krug

Background

This document represents the consensus opinion of participants at the Vth World Parks Congress Session on “Protected Areas Managed by Private Landowners” with respect to the future of privately owned protected areas worldwide. Its purpose is to chart a course for the coming decade that improves and expands biodiversity conservation occurring on privately owned lands. It was adopted by unanimous vote on 13 September 2003.

Definitions: A private protected area (PPA) refers to a land parcel of any size that is:

- 1) predominantly managed for biodiversity conservation;
- 2) protected with or without formal government recognition;
- 3) and is owned or otherwise secured by individuals, communities, corporations or nongovernment organisations.

Recognising that:

Ecological and Biological Issues

- A great share of global biodiversity occurs on privately owned lands;
- Private lands represent an opportunity for significant expansion of the world’s network of protected natural areas;
- Private land holders have demonstrated a willingness and capacity to protect natural habitat and endangered species successfully;
- Conservation on private lands represents an essential and expanding complement to public conservation efforts by protecting corridors, buffer zones, inholdings, areas underrepresented in public park systems, and other key components of larger ecosystems that governments are not protecting for lack of financial resources, political will, or other reasons;
- Private conservation models, like publicly protected areas, vary greatly in terms of management objectives, allowable activities, and level of protection. These may include formally declared private areas, lands subject to conservation easements, game ranches, mixed commercial operations based on sustainable use, land trusts and other options;

- Privately owned protected areas best serve as supplements to, not replacements for, strong public protected area systems;

Economic and Social Issues

- Private protected areas provide public goods in conserving biodiversity and natural resources at comparatively low cost to society;
- The private sector has shown it can be efficient, accountable and innovative in conserving natural resources and biodiversity while integrating economic uses in a sustainable way. Examples include activities such as nature tourism, game ranching, or harvesting non-timber forest products, which provide revenues that make private conservation appealing and financially feasible;
- Private lands conservation may be vulnerable to economic fluctuations caused by changes in policy at the local, national and international level that increase the profitability of competing land uses such as agriculture, logging, and ranching;
- Some private land conservation mechanisms are extremely flexible, and can be used to implement conservation practices on productive lands in a manner that can attain a broad range of social and economic benefits;
- That there is an increasing tendency for landholders to form collaborative networks;

Legal and Political Issues

- That secure property rights to land and natural resources form an essential foundation for any long-term conservation strategy, particularly one involving private sector participation and investment;
- That private landholders represent an important stakeholder group that can contribute meaningfully to local, national and international conservation planning efforts;
- That many privately protected areas are subject to legally binding conditions and restrictions regarding land use practises, that can ensure their durability and long-term conservation, including in perpetuity;
- The increasing tendency for multiple private landholders to form collaborative reserves and conservancies that jointly manage large conservation units;

Recommendations to Governments and Civil Society

The international workshop on privately owned parks (Session 2.5 of the Governance Workshop Stream) at the Vth World Parks Congress, in South Africa (8–17 September, 2003), makes the following recommendations to governments and civil society:

1. Strengthen the legal framework for private lands conservation, including through:
 - Conducting a global assessment of the current legal frameworks for private lands conservation, identifying key gaps in the design, implementation, and evaluation of relevant legislation;
 - Working to fill existing legal gaps by developing laws, regulations, policies, and programs that support creation of appropriate land use planning regimes, formally declared private protected areas, conservancies, conservation easements and similar instruments, conservation concessions, and other protection mechanisms;
 - Strengthening the legal security for conservation lands, including the recognition of rightful owners, reform of land tenure laws and improved law enforcement. Secure use rights over land and wildlife are an essential ingredient in any strategy to conserve and encourage long-term investment in wildlife habitat;
 - Ensuring that the IUCN protected area category system explicitly addresses privately owned protected areas.
2. Strengthen economic incentives for private land conservation, including:
 - Develop economic incentives for private landowners to adopt private lands conservation practices. These should include property tax exemptions for lands placed in conservation status; payments for the environmental services provided by conservation lands; development of markets for environmental goods and services; purchase or transfer of development rights; and other forms of government financial and technical assistance. In providing incentives, priority should be given to lands that are within publicly protected areas, or have been granted official recognition as private conservation lands;
 - If not already established, governments should establish environmental trust funds, with donor support, and authorize the use of such funds to support key private lands conservation actors.
3. Strengthen institutional capacity for private lands conservation:
 - Increase capacity of federal and state governments to authorize and monitor formal private conservation protection efforts, and better integrate private lands conservation actions into their overall conservation strategies. This includes ensuring that even those government agencies whose primary responsibility is not conservation work to support private lands conservation actions (e.g., land reform, tax, and planning agencies);

- Identify and remove gaps and overlaps in institutional responsibilities regarding conservation initiatives on private lands;
 - Improve capacity of local governments to ensure that local registrars properly record private land conservation instruments;
 - Increase capacity of government judicial systems to enforce private land conservation mechanisms effectively and consistently;
 - Expand efforts by conservation NGOs and government agencies to:
 - develop private lands conservation tools;
 - identify private lands conservation priorities;
 - establish and maintain private conservation areas; and
 - provide technical assistance to conservation-minded landowners;
4. Improve and expand education and training opportunities for private lands conservation, including:
- Design, develop, deliver, and evaluate a comprehensive portfolio of education and training opportunities for key sectors involved in private lands conservation. Target audience includes government parks agencies, conservation NGOs, commercial entities, registrars, judges, prosecutors, and private and community landowners. Topics range from general capacity-building to the application of detailed technical issues and procedures. Delivery formats will include short courses, field work, various forms of workshops, internships and fellowships, and formal academic education programs.
5. Increase public–private collaboration in the management and conservation of protected lands:
- Integrate private lands conservation efforts into public conservation strategies. This includes:
 - increasing overall collaboration between public and private conservation sectors, including communicating available programs and conservation options;
 - maximising protection of ecosystems inadequately represented among public protected areas;
 - enhancing public protected areas by protecting buffer zones and conservation corridors; and
 - improving the management of privately owned lands within “mixed” public/private protected areas.

6. Promote community involvement and sustainable development through privately owned protected areas:

- Increase and deepen the transfer of technology, knowledge and experience between private landowners and other stakeholders;
- Improve and promote cooperation between private landowners and other stakeholders, particularly regarding complementary land uses.

7. Create information networks, including:

- Establish networks of conservation owners and other stakeholders for the purpose of sharing information, knowledge, and expertise on a regional, national, and international basis;
- Conduct a global inventory of privately conserved lands that characterises their overall contribution to protecting natural habitat, endangered species and cultural resources;
- Conduct a global analysis on the economics of private lands conservation, including financial sustainability, contribution to national economies, job creation, and other economic and social costs and benefits;
- Identify, then work to remove, perverse economic incentives at the regional, national and international level that distort the market and promote unsustainable land use practices (e.g., subsidies for unsustainable agricultural practices);
- Investigate the myriad social issues surrounding privately owned protected areas worldwide, including levels of social acceptance and costs and benefits to local communities.

Appendix 2

Proposed Draft Recommendation for 3rd World Conservation Congress to be held in Bangkok, Thailand, November 2004.

PRIVATELY OWNED PROTECTED AREAS

A great share of global biodiversity occurs on privately owned lands. These lands represent an opportunity for significant expansion of the world's network of protected natural areas. In many instances, private landowners have demonstrated a willingness and capacity to protect natural habitat and endangered species successfully. As noted in Recommendation #10 from the 1st World Parks Congress (1962), "... it is desirable to increase the number and diversity of such areas."

Privately owned protected areas best serve as supplements to, not replacements for, strong public protected area systems. They are particularly useful for protecting corridors, buffer zones, and areas underrepresented in public park systems.

Like their publicly protected counterparts, privately owned protected areas vary greatly in terms of management objectives, allowable activities, and level of protection.

Private protected areas present civil society with a powerful vehicle for democratizing conservation, decentralizing resource control, and increasing public participation in biodiversity conservation.

Therefore, PARTICIPANTS in the 3rd World Conservation Congress, in Bangkok, Thailand, November 2004: RECOMMEND governments, inter-governmental bodies, non-governmental organizations, corporations, local communities, individuals, donors, and civil society:

Strengthen the legal framework for privately owned protected areas, including:

Conduct a global assessment of the current legal framework for private lands conservation, identifying key gaps in the design, implementation, and evaluation of relevant legislation;

Work to fill existing legal gaps by developing laws, policies, and programs that support biodiversity conservation on privately owned lands;

Strengthen economic incentives for privately owned protected areas, including:

Develop economic incentives for private landowners to adopt conservation practices. These should include property tax exemptions for lands placed in conservation status, payments for the environmental services provided by conservation lands, development of markets for environmental goods and services, and other forms of financial assistance;

If not already established, governments should create national environmental trust funds, with support from international development assistance, and authorize the use of such funds to support establishment and operation of privately owned protected areas;

Strengthen institutional capacity for privately owned protected areas, including:

Establish networks of conservation owners and other stakeholders for the purpose of evaluating private lands conservation tools and sharing information, knowledge, and expertise on a regional, national, and international basis;

Increase capacity of governments at all levels to authorize, monitor, and enforce formal private conservation protection

efforts, and better integrate privately owned protected areas into overall conservation strategies;

Design, develop, deliver, and evaluate a comprehensive portfolio of education and training opportunities for key public and private sector actors involved in private lands conservation.